## Exclusive License

## Anchorage Recording District

WHEREAS, pursuant to Sec. 604(b)(1)(C) of the Alaska Railroad Transfer Act of 1982 (96 Stat. 2556 et seq; hereinafter referred to as "ARTA"), the Alaska Railroad Corporation is entitled to an exclusive license for real property of the Alaska Railroad including both the right-of-way of the Alaska Railroad (railroad right-of-way) and other railroad lands (railroad parcels); this exclusive license is hereby issued for the real property described below:

## Railroad Parcels:

#### PLO 396 (Whittier)

Beginning at Corner No. 1 identical with Corner No. 1 of U.S.S. No. 2559, Whittier Townsite, Alaska, from which survey station 24 plus 44.45 in the center line of The Alaska Railroad, Passage Canal Connection bears N. 11°09' E., 250.65 feet, and U.S.L.M. No. 2559 bears S. 78°51' E., 971.83 feet, latitude 60°46'30" N., longitude 148°43'20" W.

From the initial point, South, 1625.78 feet to Corner No. 2, identical with Corner No. 2 of U.S.S. No. 2559;

West, 200.00 feet to Corner No. 3;

North, 615.38 feet to Corner No. 4; N. 28°00' W., 1393.46 feet to Corner No. 5, from which survey station 33 plus 25.00 in the center line of the main track of the Alaska Railroad bears N. 11°09' E., 200.00 feet;

Northwesterly 1275.80 feet, 200 feet from, and parallel to, the center line of the main track, to Corner No. 6, from which a point in the center line of the main track at the station equation 46 plus 28.75 equals 46 plus 43.25 bears N. 3°09' E., 200.00 feet;

N. 3°09' E., 100.00 feet, to Corner No. 7; Southwesterly, 2504.26 feet, 100 feet from, and parallel to, the center line of the main track, to Corner No. 8, from which survey station 70 plus 00 bears N. 55°14' E., 185.95 feet;

S. 55°14' W., 692.06 feet to Corner No. 9;

N. 71°18' W., 640.00 feet to Corner No. 10; S. 78°42' W., 1760.00 feet to Corner No. 11;

N. 38°16' W., 825.46 feet to Corner No. 12, from which survey station 104 plus 00 bears N. 18°42' E., 980.00 feet;

N. 18°42' E., 3116.27 feet to Corner No. 13;

East 1320.00 feet to Corner No. 14; S. 73°00' E. 860.00 feet to Corner No. 15, a point on the mean high

water line, Passage Canal; Southeasterly, 3500 feet, along the line of mean high water, Passage Canal, to Corner No. 16, from which survey station 66 plus 00 in the center line of the main track, Alaska Railroad, bears S. 16°33' E., 100.00 feet;
Northeasterly 1991.22 feet, 100 feet from, and

parallel to, the center line of the main track, to Corner No. 17, from which a point in the center line of the main track at the station equation 46 plus 28.75 equals 46 plus 43.25 bears S. 3°09' W., 100.00 feet;

N. 3°09' E., 100.00 feet to Corner No. 18;

Southeasterly 1467.64 feet, 200.00 feet from, and parallel to, the center line of the main track, to Corner No. 19, a point on the mean high water line, Passage Canal, from which survey station 31 plus 89.00 bears S. 11°09' W., 200.00 feet;

Easterly, 4050.00 feet, along the line of mean high water, Passage Canal, to Corner No. 20, from which survey station 3 plus 00.00 in the center line of the main track bears S. 3°52' E., 115.00 feet, and 100.00 feet from the center line of No. 1 Dock Track;

Northeasterly, 3913.29 feet, 100.00 feet from, and parallel to, the center line of No. 1 Dock Track and a prolongation thereof, to Corner No. 21, a point on the mean

high water line, Passage Canal;

Northeasterly and southerly, 940.00 feet, along the line of mean high water, around a point of land and across the mouth of Cove Creek, to Corner No. 22, a point on the east boundary of Passage Canal Townsite withdrawal described in Executive Order No. 1919 1/2, April 21, 1914, from which Corner No. 7, U.S.S. No. 2559 bears south 1204.88 feet and west 2032.85 feet;

South 1370.00 feet, along the east boundary of townsite withdrawal, to Corner No. 23;

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West 1920.00 feet to Corner No. 24, from which Corner No. 7, U.S.S. No. 2559 bears N. 34°21' W., 200.00 feet; N. 34°21' W., 640.00 feet to Corner No. 25, identical with Corner No. 8, U.S.S. No. 2559, from which survey station minus 11 plus 96.34 in the center line of the main track, bears N. 34°21' W., 200.00 feet; S. 55°39' W., 1565.74 feet to Corner No. 26, identical

with Corner No. 9, U.S.S. No. 2559;

N. 78°51' W., 2298.48 feet to Corner No. 1, the point of beginning.

Excluding from the above description the following described lands:

#### PLO 587:

A portion of Parcel 3 - Beginning at a point on line 12-13 of Alaska Railroad Terminal Reserve, withdrawn by PLO 396, from which the main line of the Alaska Railroad is located southerly 100 feet distant at right angle, and from which USED Station A, a standard disc set in concrete, marked "103-00" (coordinate position being N. 9944.44 E. 142565.70) bears S. 26°18' E., 141.42 feet, (Station A being on the center line of the Alaska Railroad main line just outside south portal of Whittier Tunnel, 112.50 feet from face of snowshed), thence by metes and bounds:

S. 71°18' E., 1,950.50 feet parallel to and 100.00 feet distant from the center line of the Alaska Railroad main track to a point opposite Station 84:49.5;

N. 55°56' W., 783.29 feet to the NE corner of area

under permit to CAA for Fan Marker;

S. 27°03' W., 100.00 feet to SE corner of CAA permit

N. 62°57' W., 100.00 feet to SW corner of CAA permit area;

N. 27°03' E., 100.00 feet to NW corner of CAA permit area;

N. 62°57' W., 157.94 feet;

N. 62°00' E., 1,331.68 feet;

N. 28°00' W., 155.35 feet;

N. 36°27' E., 473.13 feet;

Due west, 1983.165 feet; S. 18°42' W., 1128.88 feet along line 12-13 of PLO 396 to point of beginning.

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Parcel 4 - Beginning at corner No. 8, U.S.S. 2559,
Whittier Townsite, thence by metes and bounds:
     S. 55°39' W., 100.00 feet along Townsite boundary; N. 34°21' W., 178.00 feet to dock access road
right-of-way;
      N. 55°39' E., 420.00 feet along right-of-way to dock
approach;
      S. 34°21' E., 618.00 feet;
      S. 55°39' W., 320.00 feet to corner No. 7, U.S.S. 2559; N. 34°21' W., 440.00 feet to point of beginning.
      Parcel 8 - Beginning at a point at the southwest
corner of the enlarged approach to Whittier Wharf, from
which corner No. 8, U.S.S. 2559, Whittier Townsite, bears
S. 32°04'20" W., 356.25 feet, thence by metes and bounds:
      The following 14 courses run along the new wharf
extension contiguous to and south of the original wharf
approach and along the south and east confines of the
Whittier Wharf to the northeast corner on the seaward face
of the wharf:
      N. 55°39' E., 120.00 feet;
      N. 63°59' E., 116.00 feet;
N. 73°19' E., 80.00 feet;
      N. 78°24' E., 802.00 feet;
      N. 11°36' W., 24.00 feet;
N. 78°24' E., 48.00 feet;
      N. 11°36' W., 66.00 feet;
      N. 78°24' E., 214.00 feet;
S. 11°36' E., 41.00 feet;
N. 78°24' E., 25.00 feet;
      N. 11°36' W., 12.00 feet;
      N. 78°24' E., 24.00 feet;
N. 36°54' E., 63.00 feet;
      N. 11°36' W., 41.00 feet to NE corner of seaward face
of wharf;
      N. 78°24' E., 350.00 feet along prolongation of the
line of the seaward face of the wharf to a point on the
mean high tide line on south shore Passage Canal;
Northeasterly 300.00 feet along mean high tide line to corner No. 21, PLO 396;
      Northeasterly and Southerly 940.00 feet along mean
high tide line, which is the boundary of PLO 396, across
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Cove Creek to corner 22, PLO 396;

South 1,370.00 feet to corner 23, PLO 396; West 1,920.00 feet to corner 24, PLO 396;

N. 34°21' W., 200.00 feet to corner No. 7, U.S.S. 2559; N. 55°39' E., 320.00 feet;

N. 34°21' W., 590.00 feet to point of beginning.

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#### PLO 1088

Beginning at a point which bears S. 18°42' W., 100.00 feet from the center line of the main track of The Alaska Railroad, Passage Canal Connection, at Survey Station "B" 79 plus 65.00, Mileage F-2.07. From the point of beginning, Location Monument Station "A," established by the U.S. Army, Alaska, District Engineer, at coordinate point N. 9,944.44 E., 142,565.70 marked by a concrete monument set at subgrade in the center line of the main track at Survey Station "B" 103 plus 00, bears N. 68°50'52" W., 2,237.14 feet.

From the point of beginning, thence S. 8°45' W., 456.87 feet to a point on the line between Corner No. 9 and Corner No. 10 of Public Land Order No. 396; thence along the said line N. 71°18' W., 297.72 feet; thence S. 78°42' W., 1,760.00 feet; thence N. 38°16' W., 825.46 feet; thence N. 18°42' E., 880.00 feet to a point which lies S. 18°42' W., 100.00 feet from the center line of the main track at Survey Station "B" 104 plus 00; thence S. 71°18' E., 2,435.00 feet to the point of beginning.

#### PLO 2667

Parcel 2b - Commencing at Corner No. 14 of The Alaska Railroad Terminal Reserve at Whittier; thence S. 32°00' E., 1,615 feet, more or less, to the true point of beginning for this description, thence:

N. 40°30' E., 535 feet, more or less, to a point on the mean high tide line of the Passage Canal;

Following the meanders of said high tide line in a generally southerly direction to a point that is S. 35°15' E., from the point of beginning;
N. 35°15' W., 135 feet, more or less, to a point;

S. 58°00' W., 200 feet to a point; S. 85°15' W., 1,720 feet, more or less, to a point on a boundary line of Parcel No. 3 of Public Land Order No. 587;

N. 62°01'10" E., 245.00 feet, along said boundary line, more or less, to a point that is 100 feet from the preceding course when measured at right angle thereto;

N. 85°15' E., 1,475 feet, more or less, to a point; N. 58°00' E., 175 feet, more or less, to a point that is S. 35°15' E., 255 feet, more or less, from the point of

beginning;

N. 35°15'W., 255 feet, more or less, to the point of beginning.

Total acreage of PLO 396, as modified: 214.48 acres.

# Additional Railroad Parcels:

#### PLO 587

(Whittier)

Parcel 7 - Beginning at a point on the northwest corner of the approach to the original Whittier Wharf from which corner No. 8 of U.S.S. 2559 bears S. 21°08'20" W., 396.24 feet, thence by metes and bounds:

N. 55°39' E., 406.00 feet along seaward face of the wharf approach;

S. 78°24' W., 402.59 feet;

S. 55°39' W., 1,772.13 feet to a point on the approximate mean high water line of Passage Canal, from which corner No. 9, U.S.S. 2559 bears S. 12°11'10" E.; S. 34°21' E., 77.20 feet to a point approximately

10 feet North of the center line of the No. 1 wharf track of the Alaska Railroad;

N. 75°34'30" E., 176.07 feet to a point on the north line of Parcel No. 9;

N. 60°39' E., 185.01 feet along north line of Parcel No. 9;

N. 48°33' E., 361.78 feet along north line of Parcel No. 9;

N. 55°42' E., 375.71 feet along north line of Parcel No. 9;

S. 34°21' E., 45.84 feet;
N. 55°39' E., 652.85 feet;
S. 34°21' E., 0.88 foot to point of beginning.

Containing approximately: 6.15 acres.

U.S. Survey No. 2559: (Whittier)

Block 2, Lot 2.

Containing approximately: 0.11 acre.

#### PLO 2791, Tract No. 1 (Whittier)

BEGINNING at a point from which a point on the center line of the main track of the Portage Canal Connection, Alaska Railroad, at U.S. Army Survey Station 104+00.00, approximately two miles west of the Whittier railroad station, in approximate latitude 60°46' N., longitude 148°44' W., bears West 1,320.00 feet, S. 18°42' W., 2,136.27 feet. From the initial point; N. 17°30° E.,

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795.00 feet; East approximately 770 feet to a point on line of mean high tide of Passage Canal; Southerly with meanders approximately 1,100 feet; N. 73°00' W., 860 feet to the point of beginning.

Containing approximately: 16.18 acres.

U.S. Survey No. 408: (Anchorage)

Additional Terminal Reserve, excluding PLO 3532;

That portion designated as Railroad Centerline; AND

Block 1, Anchorage Townsite, lots 1 to 5 inclusive, and lots 8 to 11, inclusive;

Block 3, Anchorage Townsite, portion of lots 1, 2 and 3a, excluding the following described lands:

BEGINNING at the SE corner of said Lot 1, Block 3; thence (1), North along the easterly line of said Lot 1, 79.94 feet to the P.C. of a 60-foot radius curve; thence (2), from a tangent that bears South, along a curve to the right having a radius of 60 feet, through an angle of 87°28'47" for an arc length of 91.61 feet; thence (3), S. 87°28'47" W., 92.73 feet to the intersection thereof with the westerly line of said Lot 3a; thence (4), South 15.92 feet to the SW corner of said Lot 3a; thence (5), East along the southerly line of said Lots 3a, 2 and 1, 150 feet to the point of beginning.

Also excluding all that portion of said Lot 1, Block 3, described as follows:

BEGINNING at the NE corner of said Lot 1; thence (1), West 22 feet along the North line of said Lot 1; thence (2), from a tangent that bears East, along a curve to the right having a radius of 22 feet through an angle of 90° for an arc distance of 34.56 feet to the intersection with the East line of said Lot 1; thence (3), North along last said line 22 feet to the point of beginning.

Block 3, Anchorage Townsite, lots 4a, 5a and 6a of the Original Townsite of Anchorage, Alaska, according to plat C-140, Anchorage Recording District, excluding the following described lands:

BEGINNING at the Southwest corner of said Lot 6a; thence (1) East 150 feet to the Southeast corner of said Lot 4a; thence (2) North along the East line of said

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Lot 4a, 15.92 feet; thence (3) S. 87°28'47" W., 150.14 feet to the intersection thereof with the West line of said Lot 6a; thence (4) south along the West line of said Lot 6a, 9.32 feet to the point of beginning.

Block 4, Anchorage Townsite, N2, excluding the following described lands:

BEGINNING at SW corner of the designated A.R.R. Reserve; thence (1) North 79.57 feet along the West line of said reserve; thence (2) East 7.15 feet; thence (3) from a tangent that bears S. 65°00' E., along a curve to the left having a radius of 763.94 feet through an angle of 22°45' for an arc length of 303.33 feet to the intersection thereof with the East line of said reserve; thence (4) South 8.59 feet along last said line to the SE corner of said reserve; thence (5) west 300.00 feet along the South line of said reserve to the point of beginning;

Block 5, Anchorage Townsite, lot 1, excluding the following described lands:

BEGINNING at the NE corner of said lot 1; thence (1) West 50 feet to the NW corner of said lot 1; thence (2) South along the West line of said lot 1, 9.78 feet; thence (3) S. 86°16'06" E., 50.11 feet to the intersection thereof with the East line of said lot 1; thence (4) North along the East line of said lot 1, 13.04 feet to the point of beginning;

Block 11, Anchorage Townsite, lots 4, 5 and 6; Block 12, Anchorage Townsite, lots 1, 2, 10, 11 and 12; Block 20, Anchorage Townsite, lots 1 to 12, inclusive, including 20-foot alley; Block 21, Anchorage Townsite, lots 1 to 6, inclusive, lots 9 and 10; Block 40A, East Addition, Anchorage Townsite, excluding Ship Creek; Block 41A, East Addition, Anchorage Townsite; Block 41D, East Addition, Anchorage Townsite; Block 43, East Addition, Anchorage Townsite; Block 59, Anchorage Townsite, lots 7 and 8; Block 120, Anchorage Townsite, lots 1 to 6, inclusive; Block 121, Anchorage Townsite, lots 1 to 6, inclusive.

Containing approximately: 65.47 acres.

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#### U.S. Survey No. 1170 (Anchorage)

Alaska Railroad Terminal Reserve, excluding U.S. Survey Nos. 2275, 2276, 2961 A, 3047 A and B, 3061 A and B, and Tracts 1, 2 and 3 of U.S. Survey No. 2920, Tracts 1 and 2 of U.S. Survey No. 3026, Tracts 1-4 inclusive of U.S. Survey No. 3296 A and B, Tracts A, B and C of U.S. Survey No. 3458, lots 1 and 2 of U.S. Survey No. 4816 and PLO 546, also excluding the following described lands:

A parcel of land located in the NE4SE4 of Sec. 7, T. 13 N., R. 3 W., Seward Meridian, adjoining Lot 5A, Block O of the West Government Hill Subdivision, more specifically described as follows:

BEGINNING at Corner C-6, U.S. Survey No. 3047, thence S. 61°11'30" W., 152.32 feet; thence southerly along a 35°35' curve, radius 160.99 feet, 128.15 feet; thence S. 15°36' W., 15.59 feet; thence N. 74°24' W., 60 feet to the southeasterly corner of said parcel and the true point of beginning, thence N. 15°36' E., 15.88 feet; thence easterly along a 25°56' curve, radius 220.99 feet, 8.83 feet; thence S. 61°18' W., 35.35 feet; thence S. 74°24' E., 25.05 feet to the true point of beginning; and

ALSO excluding parcel of land located in the NE4SE4, Sec. 7, T. 13 N., R. 3 W., Seward Meridian, being the northerly 242.65 feet of Block 1 of the East Government Hill Subdivision of the Alaska Railroad at Anchorage, Alaska, and more specifically described as follows:

BEGINNING at Corner C-6, U.S. Survey No. 3047, thence S. 61°11'30" W., 152.32 feet; thence southerly along a 35°35' curve with a radius of 160.99 feet, 59.32 feet; thence S. 74°22' E., 255.47 feet; thence N. 15°38' E., 242.65 feet; thence N. 74°22' W., 22.86 feet; thence S. 61°11'30" W., 126.25 feet to the point of beginning; and

ALSO excluding the following described lands located in the SW4 of Sec. 7, T. 13 N., R. 3 W., Seward Meridian and further described as:

Block E, lot 2A; Block F, lots 2A and 3A; Block G, lots 1A to 3A, inclusive; Block H, lots 1A to 4A, inclusive, all located within the West Government Hill Subdivision, City of Anchorage, filed for record on May 18, 1956, Filing No. C-101-f, in the United States Commissioner's Office, Anchorage, Alaska.

Containing approximately: 320.00 acres

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U.S. Survey No. 1456 (Anchorage) Block 33, Fourth Addition, Anchorage Townsite, lots 1, 2, 3 and 5; Block 34, Fourth Addition, Anchorage Townsite, lots 1 and 2.

Containing approximately: 3.41 acres.

U.S. Survey No. 3458 (Anchorage) Tract A, Block P; Tract C, lots 4 and 5.

Containing approximately: 0.66 acre.

T. 13 N., R. 3 W., Seward Meridian

Sec. 7, a portion of Government lots 10 and 15, more particularly described as follows:

BEGINNING at the southwest corner of Government Lot 11 of said Sec. 7; thence on the west line thereof, north, a distance of 580.14 feet to the northwest corner of said lot; thence N. 12°30'00" E., a distance of 224.00 feet, more or less to a point being called Point "A" in this description, for further reference hereinbelow; said point being on the East Meander Line for Knik Arm; thence returning to said POINT OF BEGINNING; thence on the south line of said Lot 11, East, a distance of 830.28 feet to the southeast corner of said Lot 11; thence on the East line thereof, north, a distance of 113.52 feet to the southwest corner of Government Lot 14 of said Sec. 7; thence on the South line thereof, N. 81°49'38" E., a distance of 309.54 feet to the southeast corner of said Lot 14; thence S. 62°44'30" W., a distance of 409.54 feet more or less, to a point being 30.00 feet south (as measured at right angles to) of said south line of Lot 11; thence along a line being parallel with and 30.00 feet south of said line, west, a distance of 588.42 feet more or less to a point on a 349.87 foot radius curve to the left; said curve having its center point bearing S. 23°55'05" E.; thence on said curve through a central angle of 18°02'30" for an arc distance of 109.98 feet; thence S. 47°59'25" W., a distance of 181.90 feet; thence S. 41°37'30" W., a distance of 595.00 feet, more or less to said Meander Line; thence northeasterly on said Meander Line to the above-described Point "A". There is excepted therefrom the following described parcels of land:

#### PARCEL 1

Commencing at the center 1/4 corner of said Sec. 7; thence N. 00°08' W., a distance of 739.86 feet, to the northeast corner of U.S. Government Lot 10; thence S. 89°57' W., along the north line of said Lot 10, a distance of 129.22 feet and the TRUE POINT OF BEGINNING; thence S. 45°22'13" E., a distance of 42.15 feet; thence S. 89°57' W., a distance of 42.15 feet; thence N. 45°22'13" W., a distance of 42.15 feet, to the north line of said Lot 10; thence N. 89°57' E., along said north line of Lot 10, a distance of 42.15 feet to the point of beginning.

#### PARCEL 2

Commencing at the center 1/4 corner of said Sec. 7; thence N. 00°08' W., a distance of 739.86 feet, to the northeast corner of U.S. Government Lot 10; thence S. 89°57' W., along the north line of said Lot 10, a distance of 220.83 feet and the TRUE POINT OF BEGINNING; thence S. 23°20'22" E., a distance of 32.67 feet; thence S. 89°57' W., a distance of 35.94 feet; thence N. 23°20'22" W., a distance of 32.67 feet to the north line of said Lot 10; thence N. 89°57' E., along said north line of Lot 10, a distance of 35.94 feet to the point of beginning.

Containing 5.78 acres, more or less.

Sec. 8, SE4 excluding U.S. Survey No. 3026, Tract 2 and the following described lands:

BEGINNING at the 1/4 corner for Secs. 7 and 8, thence by metes and bounds; West, 730 feet along the center line of Sec. 7 to its intersection with the center line of the Ft. Richardson Sewer Outfall Line; S. 00°03'40" W., 25 feet; thence along a line generally 25 feet south of the center line of the sewer line, S. 61°37'16" E., 262.60 feet; S. 74°18'35" E., 3,905.60 feet; N. 72°33'20" E., 1,039.70 feet; N. 62°11'20" E., 740.70 feet; N. 82°11'05" E., 347.50 feet; N. 60°17'59" E., 364.00 feet; N. 22°49'17" E., 682.10 feet; N. 51°38'42" E., 189.60 feet; N. 84°25'22" E., 201.90 feet; S. 46°02'30" E., 295.20 feet; N. 70°42'50" E., 218 feet to the east line of the SW4NW4 of Sec. 9, T. 13 N., R. 3 W.; N. 00°01'40" W., 1,000.60 feet to the center point of the NW4 Sec. 9; N. 89°58'20" W., 1,319.66 feet to the section line between secs. 8 and 9; S. 00°01'40" E., 1,318.90 feet along section line to the 1/4 corner for Secs. 8 and 9; West along the center line of Sec. 8 approximately 1 mile to point of beginning;

Sec. 9, SW4SW4, NW4SW4 and SW4NW4, excluding PLO 546. Containing approximately: 175.00 acres.

#### PLO 670 (Anchorage)

Those lands between the west right-of-way line of the Alaska Railroad (a line parallel to and 100 feet west of the center line) and the shore line of Knik Arm, and extending from the north boundary of Anchorage Townsite (U.S. Survey No. 409), withdrawn by Executive Order 1919 1/2 of April 21, 1914 and Executive Order 2216 of June 22, 1915, southwesterly to the south boundary of the South Addition to Anchorage (U.S. Survey No. 408), withdrawn by Executive Order 1919 1/2 of April 21, 1914, and Executive Order 2242 of August 31, 1915, as such townsite and Addition are shown on a townsite plat approved October 1, 1917.

Containing approximately: 13.45 acres.

#### PLO 789 (Anchorage)

BEGINNING at Corner No. 4, East Addition to Anchorage Townsite, coincident with the northwest corner of Sec. 17, T. 13 N., R. 3 W., Seward Meridian, thence by metes and bounds:

S. 00°08' E., 792.66 feet to the intersection with centerline of an alley;

East, 208.52 feet to intersection with west boundary line of East "H" Street extended;

North, 210.00 feet to intersection with north boundary line of Seward Street;

East, 720.00 feet to intersection with west boundary line of East "I" Street;

North, 300.00 feet to intersection with south boundary line of Ship Street;

East, 1,440.00 feet to intersection with west boundary line of East "L" Street;

North, 283.99 feet to intersection with section line

between sections 8 and 17; S. 89°58' W., 2,370.37 feet to point of beginning, as shown on the supplemental plat of survey of the East Addition to Anchorage Townsite accepted August 30, 1941.

Containing approximately: 22.82 acres.

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#### (Anchorage) PLO 3128

BEGINNING at a point which bears west 625.29 feet from center 1/4 corner of Sec. 7, T. 13 N., R. 3 W., Seward Meridian; thence West, 569.50 feet; N. 02°30' W., 111.00 feet; N. 56°30' E., 230.00 feet; N. 67°30' E., 108.50 feet; N. 79°25' E., 113.00 feet; N. 87°10' E., 161.50 feet; S. 01°25' E., 308.70 feet to the point of beginning.

Containing approximately: 3.20 acres.

#### PLO 3919 (Anchorage)

A tract of land lying in lot 10, Sec. 7, T. 13 N., R. 3 W., and described as follows:

BEGINNING at a point on the latitudinal 1/4 section line of said Sec. 7 which bears W. 252.14 feet from the center 1/4 corner of said Sec. 7; thence N. 18°00' E., 464.00 feet; S. 76°01'15" W., 487.79 feet; S. 80°30' W., 90.00 feet; S. 01°25' E., 308.70 feet to a point on the said latitudinal 1/4 section line;

East, 411.10 feet along said latitudinal 1/4 section line to the point of beginning.

Containing approximately: 4.00 acres.

#### Seward Meridian, Alaska

T. 15 N., R. 2 W. Sec. 25, SW4; (PLOs 689 and 2308)

Sec. 26, NE4, S2;

Sec. 34, lots 1, 2, 5 and 6, SE4NE4, NE4SE4, S2SE4;

Sec. 35;

Sec. 36, W2 that portion North and West of the right-of-way line of the Glenn Highway; AND

Tract A - Beginning at the northeast corner of the SW4SW4 of said Sec. 36, T. 15 N., R. 2 W., thence easterly along the northerly line of the SE4SW4 of said Sec. 36, a distance of 662.85 feet to the northwesterly right-of-way line of the old existing Glenn Highway; thence S. 37°28'47" W. along last said line a distance of 564.13 feet; thence along a 01°54'02" curve to the left (radius equals 3,014.79 feet) through an arc of 09°24'52" a distance of 495.37 feet; thence N. 60°55'25" W. a distance of

727.26 feet; thence N. 02°56'29" E. a distance of 102.90 feet to the southeasterly right-of-way line of said Alaska Highway Project F-042-1(1); thence N. 44°56'35" E. along the last said line a distance of 819.38 feet; thence southerly along the easterly line of NW4SW4 of said Sec. 36 a distance of 171.70 feet to the point of beginning; AND

Tract B - Beginning at the southwest corner of said Sec. 36, T. 15 N., R. 2 W., thence S. 89°56'13" E. along the south line of said Sec. 36, a distance of 1,137.25 feet to the northwesterly right-of-way line of the old existing Glenn Highway; thence N. 27°23'47" E. along the last said line a distance of 312.81 feet; thence N. 60°55'25" W. a distance of 732.92 feet; thence S. 88°13'51" W. a distance of 180.17 feet to the southeasterly right-of-way line of said Alaska Highway Project F-042-1(1); thence S. 44°56'35" W. along the last said line a distance of 651.47 feet to the west line of said Sec. 36; thence S. 00°07'50" W. along the last said line a distance of 166.04 feet to the point of beginning.

Containing approximately: 1,798.062 acres.

#### T. 15 N., R. 1 W. (PLO 3577)

Sec. 5, SW4, that portion lying southeasterly of a line extending 100 feet northwesterly from and parallel to, the centerline of the Alaska Railroad;

Sec. 6, SE4SE4SE4SE4 that portion lying southeasterly of a line extending 100 feet northwesterly from, and parallel to the Alaska Railroad;

Sec. 7, SE4NE4 and SE4SW4NE4;

Sec. 8, N2NW4 and W2SW4NW4.

Containing approximately: 250.80 acres.

#### T. 16 N., R. 1 W. (PLO 755)

Sec. 23, SE4, that part south and west of the main channel of the Eklutna River; Sec. 25, W2, that part south and west of the main channel of the Eklutna River and west of the right-of-way of the Alaska Railroad;

Sec. 26, E2, that part south of the main channel of the Eklutna River and north and west of the right-of-way of the Alaska Railroad; AND

An easement appurtenant for road purposes more fully described as follows:

An easement sixty (60) feet in width, thirty (30) feet each side of centerline, for an existing road from the Glenn Highway in the NE4 Sec. 25, T. 16 N., R. 1 W., westerly to the west side of the Alaska Railroad right-of-way in Sec. 26, T. 16 N., R. 1 W.

Containing approximately: 205.00 acres.

T. 16 N., R. 1 W. (PLO 2672)

Sec. 23, lots 3 and 4; Sec. 26, NW4 and N2SW4.

Containing approximately: 310.00 acres.

#### T. 16 N., R. 1 W.

Sec. 24, S2NE4SW4, SE4SW4, and that part of the S2NW4SE4 lying northwesterly of the right-of-way of the Alaska Railroad; and

SE4NW4NE4, SW4NE4, NW4NW4SE4, SW4NW4NE4 and that portion of the NE4NW4SE4 lying northeasterly from the right-of-way of the Alaska Railroad; AND

(1) An easement appurtenant for road purposes more fully described as follows:

An easement sixty (60) feet in width, thirty (30) feet each side of centerline, for an existing road from the Glenn Highway in the NE4 Sec. 25, T. 16 N., R. 1 W., northwesterly to the east side of the Alaska Railroad right-of-way Sec. 24, T. 16 N., R. 1 W.

(2) An easement appurtenant for utility purposes more fully described as follows:

> An easement twenty (20) feet in width, ten (10) feet each side of centerline, for an existing power transission line from the E2 Sec. 19, T. 16 N., R. 1 W., westerly to the W2 Sec. 24, T. 16 N., R. 1 W..

Containing approximately: 138.20 acres.

Aggregating approximately: 3,552.79 acres.

Railroad Right-of-way as defined in Section 603(11) of ARTA:

# Seward Meridian, Alaska

 $\frac{T.\ 10\ N.,\ R.\ 1\ E.}{\text{Secs.}}$  20 to 24, inclusive, 28, 29 and 30.

Containing approximately: 6.40 miles or 155.14 acres.

T. 10 N., R. 1 W. Secs. 5, 6, 8, 9, 10, 13, 14, 15, 23, 24 and 25.

Containing approximately: 7.33 miles or 177.68 acres.

T. 10 N., R. 2 W. Secs. 1, 2, 3 and 4.

Containing approximately: 3.33 miles or 80.72 acres.

T. 12 N., R. 3 W. Sec. 33.

Containing approximately: 0.41 mile or 9.94 acres.

T. 13 N., R. 3 W.

Sec. 3;

Sec. 4, SE4SE4; Sec. 9, N2NE4, SW4NE4, SE4NW4;

Sec. 10, N2NW4.

Containing approximately: 2.50 miles or 60.60 acres.

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T. 14 N., R. 3 W.
Sec. 24, lot 6 and S2SE4;
Secs. 25 and 26;
Sec. 34, SE4SE4;
Sec. 35.
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Containing approximately: 3.54 miles or 85.79 acres.

T. 13 N., R. 4 W. Sec. 35, N2.

Containing approximately: 0.80 mile or 19.39 acres.

T. 14 N., R. 2 W. Secs. 3, 9, 10, 16, 17 and 19; Sec. 20, lots 1, 3 and 4, S2N2, SE4; Sec. 21, NW4.

Containing approximately: 6.64 miles or 160.95 acres.

Containing approximately: 3.00 miles or 72.72 acres.

T. 16 N., R. 1 W.
Sec. 24, N2NW4SE4;
Sec. 26, E2, SW4SW4;
Secs. 27, 32, 33 and 34.

Containing approximately: 2.88 miles or 68.06 acres.

T. 16 N., R. 1 E.
Sec. 15, lots 1, 5 and 6, S2;
Sec. 16;
Sec. 19, SE4NE4, NE4SE4, E2NW4SE4;
Secs. 20, 21 and 22.

Containing approximately: 3.87 miles or 93.69 acres.

Aggregating approximately: 40.70 miles or 984.68 acres.

Total aggregate for parcels and right-of-way: 4,537.47 acres.

NOW KNOW YE that there is, therefore, granted by the United States of America, through the Secretary of Transportation, unto the Alaska Railroad Corporation, an exclusive license for, to and on the real property described above, which license affords the holder the exclusive right to use, occupy and directly receive all benefits of the real property described above for the operation of the State-owned railroad in conformity with the attached Memorandum of Understanding among the Federal Railroad Administration, the State of Alaska, Eklutna Inc., Cook Inlet Region, Inc., and Toghotthele Corporation. This license is subject to the Reservations and Conditions set out below.

#### Reservations and Conditions

1. Pursuant to Sec. 604(c)(2) of ARTA the following described existing easements for administration are reserved to the United States under the jurisdiction of:

#### Secretary of Defense:

# a. <u>Easements for Current Communication, Utility and</u> Transportation Uses:

The easements identified in this paragraph l.a in, upon, over, under and across the real property hereby conveyed are reserved to the United States, or its assigns, for communication, utility, and transportation uses in conformity with the uses to which each such easement was devoted on January 14, 1983, including the continuing right in the United States, or its assigns, to use, operate, locate, replace, reconstruct, maintain, alter, repair, remove, patrol, and access the roads, parking lots, bunkers, fences, overhead and underground electric and communication cables, wires and equipment, water systems, storm and sewer lines, natural gas or petroleum products pipelines, and aircraft control systems, together with the right to trim, cut, fell and remove therefrom any and all vegetation, obstructions, structures or obstacles that are growing or may hereafter grow or be placed upon the real property subject to these easements and that may, in the judgment of the United States, or its assigns, substantially impair its authorized use of the easement. The United States, or its assigns, will give at least twenty (20) days notice to the Alaska Railroad Corporation, or its successors or assigns, before undertaking construction, reconstruction or demolition activity within an easement hereby reserved, except that in the case of an emergency the United States may undertake whatever activity is necessary to alleviate the emergency after giving such notice as is reasonable in the circumstances. The

easements identified in this paragraph 1.a are more specifically described in the paragraphs below identified as LOCATION DESCRIPTIONS OF CURRENT COMMUNICATIONS, UTILITY, AND TRANSPORTATION USES and displayed on the plats entitled Elmendorf Air Force Base P.L. 97-468 Easements, Fort Richardson P.L. 97-468 Easements, and Anchorage Petroleum Terminal P.L. 97-468 Easements, recorded herewith.

LOCATION DESCRIPTIONS OF CURRENT COMMUNICATIONS, UTILITY, AND TRANSPORTATION USES:

#### ON ELMENDORF AIR FORCE BASE:

#### NO. MILEPOST

## DESCRIPTION

- 1 115.68 A 24-inch sanitary sewer line starting from Elmendorf Air Force Base, thence to Manhole 21-13E, at approximately Railroad Mileage 115.65, thence in an easterly direction to Manhole 21-11E, at approximately Railroad Mileage 115.75, thence east back to Elmendorf Air Force Base, all being parallel to the Base boundary, all being north of the main-line track, and located in the NE4 of the SW4 and the NW4 of the SE4 of Section 8, Township 13 North, Range 3 West, Seward Meridian.
  - 2 115.80 A vitrified clay 24-inch sanitary sewer line beginning on Elmendorf Air Force Base, thence to Manhole 21-9E (located south of Bluff Road near its intersection with Plum Avenue) (approximately Railroad Mileage 115.80), thence extending east approximately 600 feet, running south of and parallel to Bluff Road, all being north of the main-line track, and located in the N2 of the SE4 of Section 8, Township 13 North, Range 3 West, Seward Meridian.
- 3 115.81 A sanitary sewer line at approximately Railroad Mileage 115.81 beginning at Manhole 24 on the existing 24-inch outfall sewer line situated 25 feet north of the present south boundary of Elmendorf Air Force Base; thence S. 13°51'29" W. 226.95 feet to Manhole 34-2; thence S. 2°21'28" W., 74.86 feet to Manhole 34-1; thence S. 2°20'16" W., 355.49 feet to a point, said point being at Manhole A-34 of the outfall sewer line belonging to the Municipality of Anchorage, and located in the W2 of the SE4 of Section 8, Township 13 North, Range 3 West, Seward Meridian.

- 115.825 An automobile parking lot at approximately Railroad Mileage 115.825, beginning near the intersection of Plum Avenue and Bluff Road, measuring approximately 600 feet long by 30 feet wide, said lot being located on the south side of, parallel, and adjacent to Bluff Road where the Road passes in front of Building 21-700, on Elmendorf Air Force Base, all being north of the main-line track, and located in the N2 of the SE4 of Section 8, Township 13 North, Range 3 West, Seward Meridian.
- 5 115.93 An access road to the Security Police Bunker in Item 6 below (approximately 12 feet wide and 150 feet long) beginning at the end of Item 4 above, at approximately Railroad Mileage 115.93 north of the main-line track and extending to approximately Milepost 116, located in the SE4 of Section 8, Township 13 North, Range 3 West, Seward Meridian.
- 6 115.97 A Security Police Bunker, consisting of a structure and the surrounding area within a radius of 30 feet, located approximately 200 feet, as measured on a line perpendicular to the main-line track, north-northwesterly of Railroad Mileage 115.97, and located in the SE4 of Section 8, Township 13 North, Range 3 West, Seward Meridian.
- An overhead transmission line at approximately Railroad Mileage 115.99 extending approximately 50 feet south from the intersection of Bluff Road and the unnamed road (running north/south) directly east of Building 21-700 to a power pole with guy wire, thence approximately 100 feet in a south-southeasterly direction to its termination at the Municipal Light and Power transmission line, and located in the SE4 of Section 8, Township 13 North, Range 3 West, Seward Meridian; also, an overhead line running from the intersection of Plum Avenue and Bluff Road to the line described above, and located in the same quarter and section. Both lines include an area extending out 15 feet on either side of the lines.

- 8 116.23 The access road at approximately Railroad Mileage 116.23 diverging from Persimmon Street (at a point almost due South of Building 22-001) and running approximately 600 feet in an easterly direction to the parcel of land described in Item 10 below, all being north of the main-line track, and located in the NE4 of the SE4 of Section 8 and the NW4 of the SW4 of Section 9, Township 13 North, Range 3 West, Seward Meridian.
- 9 116.23 A 24-inch sanitary sewer line starting from Elmendorf Air Force Base, thence to Manhole 22-21E, at approximately Railroad Mileage 116.23, thence in an east-northeasterly direction paralleling the Base boundary to Manhole 22-19E, at approximately Railroad Mileage 116.23, thence north-northeasterly back to Elmendorf Air Force Base, all being north of the main-line track, and located in the NE4 of the SE4 of Section 8 and the NW4 of the SW4 of Section 9, Township 13 North, Range 3 West, Seward Meridian.
- 10 116.40 Parcels of land used for a pump house, access roads, water lines, storm drainage, and other associated uses in connection with the Elmendorf Base Power Plant (Building 22-004) at approximately Railroad Mileage 116.40 more fully described as follows:

#### PUMP HOUSE SITE

Commencing at the corner common to Sections 8, 9, 16, and 17, Township 13 North, Range 3 West, Seward Meridian, Alaska; thence N. 0°01'40" W. along the line common to Sections 8 and 9, a distance of 1951.60 feet to a point on the mainline of the Alaska Railroad at Station 125 +89.3; thence N. 60°00' E. along said mainline 314.70 feet to Station 129 +04.0, said station also being the point of intersection with the Powder Spur track; thence continue along the centerline of said spur track 202.00 feet to Station 2 +02.0; thence N. 54°28'36" W., 14.00 feet to the true point of beginning

for this description and also being the SE corner thereof; thence in a northeasterly direction concentric to and 14 feet from the center line of the aforesaid spur on a curve to the left 172.00 feet to the point of tangency of said curve; thence N. 14°04' E., 219.00 feet to the NE corner of the pump house site, said corner also being N. 75°56' W., 14.00 feet from the centerline of the spur track at Station 5 +98.0; thence N. 66°02° W., 109.0 feet to the NW corner of said Pump House Site and being situated upon the present boundary of Elmendorf Air Force Base; thence S. 22°49'17" W. along said boundary 285.00 feet to the SW corner; thence S. 29°44'48" E., 172.00 feet to the Point of Beginning. The above described parcel of land contains 0.88 acre, more or less.

## Water Intake Line

Commencing at the NE corner of the Pump House Site, said corner being N. 75°56' W., 14.00 feet from Powder Spur Track Station 5 +98.0; thence S. 14°04' W., along the Pump House Site boundary 65.00 feet to the true point of beginning for this description; thence S. 66°02' E., 474.00 feet to a point on the Post Road right-of-way line; thence S. 60°00' W. along said line 22.00 feet; thence N. 66°02' W., 464.00 feet to a point on the aforesaid Pump House Site boundary; thence N. 14°04' E. along said boundary 20.00 feet to the Point of Beginning. The above-described parcel of land contains 0.22 acre, more or less.

#### Water Outlet Line

Commencing at the NE corner of the Pump House Site, said corner being N. 75°56' W., 14.00 feet from Powder Spur Track Station 5 +98.0; thence S. 14°04' W., 121.00 feet along the Pump House Site boundary to the true point of beginning for this description; thence S. 66°02' E., 434.00 feet; thence S. 57°30' W., 23.00 feet; thence N. 66°02' W., 418.00 feet

to a point on the aforesaid Pump House boundary line; thence N. 14°04′ E. along said line 21.00 feet to the Point of Beginning. The above described parcel of land contains 0.20 acre, more or less.

A storm and industrial drainage outfall line traversing across a portion of the Alaska Railroad Terminal Reserve between the Elmendorf Air Force Base boundary and the northerly right-of-way line of Post Road, said outfall line crossing at a right angle to the main line of the Alaska Railroad at approximate Station 130 +84 and being 360 feet, more or less, in length within said Alaska Railroad Terminal Reserve, and located in the W2 of the NW4 of the SW4 of Section 9, Township 13 North, Range 3 West, Seward Meridian.

Also that portion of land, approximately 50 feet long by 20 feet wide, extending along the northern side of the Post Road right-of-way from the above-described Water Intake and Outlet Lines to the water cooling pond located at the intersection of Post Road and Reeves Boulevard, and located in the N2 of the SW4 of Section 9, Township 13 North, Range 3 West, Seward Meridian.

- 11 116.51

  A 24-inch sanitary sewer line extending from Elmendorf Air Force Base to Manhole 22-9E, thence approximately 160.00 feet from Manhole 22-9E toward Manhole 22-7E, thence back to Elmendorf Air Force Base, which is approximately Railroad Mileage 116.51 to Railroad Mileage 116.54, respectively, all being north of the main-line track, and located in the SE4 of the SW4 of the NW4 of Section 9, Township 13 North, Range 3 West, Seward Meridian.
- 12 116.55 A steel 10-inch storm drain, approximately 100 feet in length, running almost due North from Manhole 22-53 at approximately Railroad Mileage 116.55, that being on the Post Road right-of-way directly across from the cooling pond, all being

south of the main-line track, and located in the SE4 of the NW4 and the NE4 of the SW4 of Section 9, Township 13 North, Range 3 West, Seward Meridian; also, a vitrified clay 10-inch culvert, approximately 1000 feet in length, running inside the Post Road right-of-way from approximately Railroad Mileage 116.40 to Railroad Mileage 116.59, all being south of the main-line track, and located in the SE4 of the NW4 and the N2 of the SW4 of Section 9, Township 13 North, Range 3 West, Seward Meridian.

- 13 116.57 That portion of the Post Road right-of-way (60 feet on either side of the Road's centerline) which overlaps the railroad right-of-way and consisting of the portion of the Road's right-of-way from where it first enters upon Elmendorf Air Force Base opposite the cooling pond, at approximately Railroad Mileage 116.57, and running for approximately 1000 feet towards Gate #2, all being on the northwest side of Post Road and on the southeast side of the main-line track, and located in the NE4 of the SW4 and the SE4 of the NW4 of Section 9, Township 13 North, Range 3 West, Seward Meridian.
- An overhead transmission line crossing over the right-of-way of the main line of The Alaska Railroad at approximately Railroad Mileage 116.65 in the SE4 of the NW4, Section 9, Township 13 North, Range 3 West, Seward Meridian, said crossing being located at approximate railroad station 148 +55 P.O.C. and crossing on an approximate bearing of S. 48°00' E. for a distance of 210.00 feet, more or less, and including an area extending out 15 feet on either side of the line.
- 15 116.67 A concrete storm drain channel crossing from, at approximately Railroad Mileage 116.67, the main-line track to Post Road, and located in the SW4 of the SE4 of the NW4 of Section 9, Township 13 North, Range 3 West, Seward Meridian.

- 16 116.76 A chain link fence (approximately 150 feet in length) running perpendicular to and north of Post Road directly adjacent to Building 22-014 at approximately Railroad Mileage 116.76, all being south of the main-line track, and located in the SE4 of the NW4 and the SW4 of the NE4 of Section 9, Township 13 North, Range 3 West, Seward Meridian.
- 17 116.88

  A 24-inch sanitary sewer line at approximately Railroad Mileage 116.88 starting from Elmendorf Air Force Base approximately 50 feet west of Manhole 8-3E, thence to Manhole 8-3E, thence east-northeasterly to Manhole 8-1E, thence north-northeasterly approximately 90 feet until it returns to Elmendorf Air Force Base, all being north of the main-line track, and located in the NW4 of the SW4 of the NE4 of Section 9, Township 13 North, Range 3 West, Seward Meridian.
- An underground Federal Aviation Administration communication cable (Route A) crossing the right-of-way in two places: the first at approximately Railroad Mileage 116.45 crossing the right-of-way in a northeasterly direction beginning at approximately the NW corner of the Pump House Site as described in Item 10 above and re-entering Elmendorf Air Force Base 500 feet to the northeast, all being north of the main-line track, and located in the SW4 of the NW4 of Section 9, Township 13 North, Range 3 West, Seward Meridian; including an area extending out 10 feet on either side of the cable. The second crossing is described in Item 21, below.
- An 8-inch multiproduct underground pipeline entering the right-of-way from Elmendorf Air Force Base at approximately Railroad Mileage 116.90 running in an easterly direction until it reaches a point about midway between the right-of-way boundary and the main-line track where it turns and crosses at a perpendicular the main-line track, turning again when it reaches the southeast right-of-way boundary, and

following the boundary northeasterly for approximately 300 feet until it turns again and re-enters Elmendorf Air Force Base, and located in the NW4 of the SW4 of the NE4 of Section 9, Township 13 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the line.

- A 6-inch underground gas pipeline entering the 20 116.90 right-of-way from Elmendorf Air Force Base at approximately Railroad Mileage 116.90 running in an easterly direction until it reaches a point about midway between the right-of-way boundary and the main-line track where it turns and crosses at a perpendicular the main-line track, turning again when it reaches the southeast right-of-way boundary, and following the boundary northeasterly for approximately 300 feet until it turns again and re-enters Elmendorf Air Force Base, and located in the NW4 of the SW4 of the NE4 of Section 9, Township 13 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the line.
- An underground Federal Aviation Administration communication cable (Route A) crossing the right-of-way in two places: the second at approximately Railroad Mileage 116.90 crossing the right-of-way in an easterly direction, crossing the main-line track approximately 750 feet southwest of where Post Road crosses the track, and located in the W2 of the NE4 of Section 9, Township 13 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the cable. The first crossing is described in Item 18, above.
- An overhead transmission line crossing the right-of-way in a north-northwesterly direction at approximately Railroad Mileage 117.01, or 200 feet southwest of where Post Road crosses the main-line track, and located in the W2 of the NE4 of Section 9, Township 13 North, Range 3 West, Seward Meridian; and including an area extending out 15 feet on either side of the line.

- A roadway (Post Road) approximately 75 feet wide running in a northerly direction from approximately Railroad Mileage 117.02 to approximately Railroad Mileage 117.08 and crossing the main-line track at approximately Railroad Mileage 117.05, and located in the SE4 of the NW4 of the NE4 of Section 9, Township 13 North, Range 3 West, Seward Meridian.
- An underground communication cable running from Elmendorf Air Force Base for approximately 227 feet on a bearing of S. 72°20'40" W. to the main-line track, thence paralleling the south side for approximately 150.0 feet, thence crossing the track at approximately Railroad Mileage 117.267 (Survey Station 180 +40) on a bearing of S. 43°50'10" E. running for approximately 22.20 feet, thence turning and paralleling the track in a northeasterly direction for approximately 150.00 feet, thence turning to a bearing of S. 16°55'50" W. for approximately 200.00 feet where it re-enters Elmendorf Air Force Base, located in the N2 of the NE4 of Section 9, Township 13 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the cable.
- A buried electrical cable running, on a line perpendicular to the main-line track, from Elmendorf Air Force Base to a point approximately at Railroad Mileage 117.45, thence turning in an east-northeasterly direction and, paralleling the adjacent Base boundary, continuing to Central Substation at approximately Railroad Mileage 117.72, all being north of the main-line track, and located in the S2 of the SW4 of the SW4 and the SW4 of the SE4 of the SW4 of Section 3, Township 13 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the cable.
- 26 117.54 Access road approximately 12 feet wide beginning at approximately Railroad Mileage 117.54 and running in an easterly direction to approximately

Railroad Mileage 117.68 where it turns south and enters Elmendorf Air Force Base, all being south of the main-line track, and located in the N2 of the NW4 of the NW4 of Section 10 and the SE4 of the SW4 of the SW4 and the SW4 of the SE4 of the SW4 of Section 3, Township 13 North, Range 3 West, Seward Meridian.

- An overhead transmission line running from a transformer approximately 30 feet south of the main-line track at approximately Railroad Mileage 117.57 to approximately Railroad Mileage 118.15 where it crosses into Elmendorf Air Force Base, all being south of the main-line track, and located in the N2 of the NW4 of the NW4 of Section 10 and SE4 of the SW4 of the SW4 and the S2 of the SE4 of the SW4 of the SW4 and the S2 of the SE4 of the SW4 and the SW4 of the SE4 of Section 3, Township 13 North, Range 3 West, Seward Meridian; and including an area extending out 15 feet on either side of the line.
- 28 117.59 Underground POL lines at approximately Railroad Mileage 117.59 located as follows: Beginning at the section corner common to Sections 3, 4, 9 and 10, Township 13 North, Range 3 West, Seward Meridian, thence S. 0°02'32" E. a distance of 59.40 feet to a point on the centerline of the railroad right-of-way; thence Nr. 80°46'45" E. following the centerline of said right-of-way a distance of 844.00 feet to the true point of beginning for this description; thence by metes and bounds along the following courses and distances: N. 9°13'15" W., 100.00 feet; N. 80°46'45" E., 16.00 feet; S. 9°13'15" E., 100.00 feet; S. 39°31'55" E., 115.00 feet, more or less, to the right-of-way boundary; S. 80°46'45" W., 34.00 feet, more or less, on a line coinciding with the right-of-way boundary; N. 39°31'55" W., 75.00 feet, more or less; N. 9°13'15" W., 35.00 feet, to the true point of beginning of this description.

29 117.65

An underground Federal Aviation Administration cable (Route B) entering the right-of-way from Elmendorf Air Force Base at approximately Railroad Mileage 117.65, north of the main-line track, and running almost due east between 2nd Street and the main-line track until it crosses the main-line track just south of the 2nd Street crossing and then re-enters Elmendorf Air Force Base at approximately Railroad Mileage 118.06, or about 100 feet south of where 2nd Street re-enters the Base, and located in the S2 of the SW4 and the SW4 of the SE4 of Section 3, Township 13 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the cable.

30 117.68

An overhead transmission line crossing over the right-of-way of The Alaska Railroad at Mileage 117.68, approximately along the easterly line of the SW4 of the SW4 of Section 3, Township 13 North, Range 3 West, Seward Meridian, crossing over the centerline of the main track at survey station "R" 201 plus 87.7 P.O.T. on a bearing of S. 0°11'11" W. The said point of crossing the centerline of the main track is located as follows: From the section corner common to Sections 3, 4, 9 and 10, T. 13 N., R. 3 W., Seward Meridian, thence S. 0°02'32" E., 59.40 feet to a point on the center line of main track; thence N. 80°46'45" E., 1329.10 feet to an intersection with the centerline of the power line. The length of the power line included within the right-of-way of the railroad is 202.72 feet. The total area covered being as follows: From the section corner common to Sections 3, 4, 9 and 10, T. 13 N., R. 3 W, Seward Meridian, thence S. 0°02'32" E., 59.40 feet to a point on the centerline of main track; thence N. 80°46'45" E., 1313.89 feet to the true point of beginning of this description; thence N. 0°11'11" E., 101.36 feet to the right-of-way boundary; thence N. 80°46'45" E., 30.40 feet on a line coinciding with the right-of-way boundary; thence S. 0°11'11" W., 202.72 feet to the

right-of-way boundary; thence S. 80°46'45" W., 30.40 feet on a line coinciding with the right-of-way boundary; thence N. 0°11'11" E., 101.36 feet to the true point of beginning of this description.

- 31 117.68 Two overhead transmission lines at approximately Railroad Mileage 117.68: the first crossing the southern boundary of the right-of-way from Elmendorf Air Force Base at approximately the same point as Item 30 above does and proceeding in a north-northeasterly direction, at about a 25° angle from Item 30 above, until it re-enters the Base north of the main-line track, and located in the SW4 of the SE4 of the SW4 of Section 3, Township 13 North, Range 3 West, Seward Meridian; the second crossing into the right-of-way at approximately the same place as the first and proceeding in a northwesterly direction, at about a 30° angle from Item 30 above, until it crosses the main-line track at which point it turns to an east-northeasterly direction and re-enters the Base at approximately the same place as Item 30 above does, and located in the SE4 of the SW4 of the SW4 of Section 3, Township 13 North, Range 3 West, Seward Meridian. Both lines include an area extending out 15 feet on either side of the lines.
- A 24-inch vitrified clay storm drain and manhole and a culvert located at approximately Railroad Mileage 117.72, entering the right-of-way from Elmendorf Air Force Base almost due south of the intersection of Q and 2nd Streets, all being north of the main-line track, and located in the SW4 of the SE4 of the SW4 of Section 3, Township 13 North, Range 3 West, Seward Meridian.
- 2nd Street beginning at approximately Railroad Mileage 117.74 where it enters, from Elmendorf Air Force Base, the railroad right-of-way, running parallel to the Base boundary and north of the main-line track, to Milepost 118 where Spur Road diverges, thence across the main-line track at approximately Railroad Mileage 118.04 to approximately Railroad Mileage 118.07 where it reenters Elmendorf Air Force Base, located in the S2 of the SE4 of the SW4 and the SW4 of the SE4 of Section 3, Township 13 North, Range 3 West, Seward Meridian.

- An overhead communication cable running from Elmendorf Air Force Base south to a pole located on the right-of-way at approximately Railroad Mileage 117.77, thence south across the main-line tracks to a pole carrying the lines described in Item 30 above, thence in an east-southeasterly direction until it crosses into Elmendorf Air Force Base, and located in the SE4 of the SW4 of the SW4 and the SW4 of the SE4 of the SW4 of Section 3, Township 13 North, Range 3 West, Seward Meridian; and including an area extending
- A Security Police Bunker, consisting of a structure and the surrounding area within a radius of 30 feet, located just inside the right-of-way at the south end of the north/south runway on Elmendorf Air Force Base, at approximately Railroad Mileage 117.93, all being north of the main-line track, and located in the SE4 of the SE4 of the SW4 and the SW4 of the SW4 of the SE4 of Section 3, Township 13 North, Range 3 West, Seward Meridian.

out 10 feet on either side of the line.

- The North/South Runway approach lighting system located on both sides of the extended centerline of the runway where it crosses the right-of-way at approximately Railroad Mileage 117.94, Survey Station 216 +08.7, and on both sides of the main-line track, and located in the SE4 of the SE4 of the SW4 and the SW4 of the SW4 of the SE4 of Section 3, Township 13 North, Range 3 West, Seward Meridian.
- A 10-inch water main running in a straight line almost due north crossing the right-of-way at approximately Railroad Mileage 117.97, and located in the SW4 of the SW4 of the SE4 of Section 3, Township 13 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the main.

38 117.98

Access road from 2nd Street west of the right-of-way to the Golf Course and POL areas, being approximately 30 feet wide, and entering the right-of-way at approximately Railroad Mileage 117.98, thence heading west more or less parallel to the right-of-way boundary until it finally returns to Elmendorf Air Force Base at approximately Railroad Mileage 117.68, all being south of the main-line track, and located in the S2 of the SE4 of the SW4 and the SW4 of the SW4 of the SE4 of Section 3, Township 13 North, Range 3 West, Seward Meridian.

39 118.00

Spur Road from the point it diverges from 2nd Street at approximately Milepost 118.00, running parallel to the Base boundary and all being northwesterly of the main-line track, to approximately Railroad Mileage 118.65 where it re-enters Elmendorf Air Force Base, and located in the W2 of Section 3, Township 13 North, Range 3 West, Seward Meridian.

40 118.00

A 12-inch underground water main running east from Elmendorf Air Force Base to a point located between Spur Road and 2nd Street at approximately Railroad Mileage 118.03, thence running parallel to and northwest of the main-line track (near the Base boundary) to a point at approximately Railroad Mileage 118.36, thence easterly crossing the main-line track to approximately Railroad Mileage 118.378, thence resuming its original course but parallel to and southeast of the main-line track (near the Base boundary) until it re-enters Elmendorf Air Force Base at approximately Railroad Mileage 118.57, and located in the SW4, NW4, and NE4 of the SE4 and the SE4 of the NE4 of Section 3, Township 13 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the main.

41 118.05

A 15-inch storm drain culvert crossing 2nd Street between the main-line track and the southeastern boundary of the right-of-way, at approximately Railroad Mileage 118.05, all being southeast of the main-line track, and located in the SW4 of the SE4 of Section 3, Township 13 North, Range 3 West, Seward Meridian.

42 118.07

An underground communication cable consisting of four conduits spaced about 4 feet apart crossing the right-of-way in an easterly direction at approximately Railroad Mileage 118.07, or approximately 100 feet north of 2nd Street, and located in the SW4 of the SE4 of Section 3, Township 13 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the conduits.

43 118.09

A buried communication cable located at Elmendorf Air Force Base, in the Third State Judicial District, being wholly within the SE4 of Section 3, Township 13 North, Range 3 West, Seward Meridian, and also being wholly within the Alaska Railroad right-of-way; the centerline of which being more specifically described as follows:

Beginning at Manhole 337, said point being 25 feet from the centerline of Spur Road when measured at right angle thereto, and opposite ARR Engineers Survey Station 224 +45 (approx.) when measured at right angle thereto; thence northeasterly, 25 feet from and parallel to the centerline of Spur Road for a distance of 1,525.00 feet to a point opposite ARR Engineers Survey Station 239 +70 (approx.) when measured at right angle thereto; thence northwesterly across Spur Road for a distance of 50 feet, more or less, to the Elmendorf Air Force Base boundary; and including an area extending out 10 feet on either side of the cable.

44 118.09

A buried communication cable running easterly from Elmendorf Air Force Base to Manhole 336 on the right-of-way at approximately Railroad Mileage 118.09, about 225 feet northeast of the meeting of Spur Road and 2nd Street, thence about 550 feet in a northeasterly direction parallel to the northwestern right-of-way boundary until it turns just beyond Manhole 337 to the east, crossing the main-line track and re-entering Elmendorf Air Force Base, and located in the SW4 of the SE4 of Section 3, Township 13 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the cable.

- A buried communication cable running from the cable described in Item 44 above at approximately Railroad Mileage 118.16 parallel to the main-line track for approximately 1,575 feet where it turns at 90° to the northwest, thence approximately 75 feet where it diverges with one branch running west to Elmendorf Air Force Base and the other running northeast for approximately 700 feet where it re-enters the Base, all being northwest of the main-line track, and located in the W2 of the SE4 of Section 3, Township 13 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the cable.
- An underground communication cable at approximately Railroad Mileage 118.22 extending 274 feet across the right-of-way of the Railroad on a bearing of S. 80°52' W., and crosses under the center line of the main track at railroad survey station 223 + 80 P.O.C., a point which lies approximately 130 feet southwesterly from the northeasterly end of a 6°00' curve to the left. The coordinates of the point of crossing the center line of the main track on the Army grid system are: N. 110,676.11; E. 113,727.27, and located in SW4 of the SE4 of Section 3, Township 13 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the cable.
- An underground 8-inch water main branching off from Item 40 above just prior to its turn at approximately Railroad Mileage 118.378, running thence in a southerly direction until it crosses onto Elmendorf Air Force Base at approximately Railroad Mileage 118.37, approximately 75 feet in total length and all being east of the main-line track, located in the NE4 of the SE4 of Section 3, Township 13 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the main.
- A 6-inch underground water main running northeast from its juncture with Item 40 above, crossing the main-line track at a perpendicular, and crossing into Elmendorf Air Force Base at approximately Railroad Mileage 118.60, survey station 246 +50, and located in NE4 of the SE4 and the SE4 of the NE4 of Section 3, Township 13 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the main.

- Overhead power lines, communication cables, and guy wire crossing the right-of-way at approximately Railroad Mileage 118.60 (station 244 +73), and located in the W2 of the NE4 of Section 3, Township 13 North, Range 3 West, Seward Meridian; and including an area extending out 15 feet on either side of the lines.
- An overhead transmission line crossing the right-of-way in an east/west direction at approximately Railroad Mileage 118.80, and located in the W2 of the NE4 of Section 3, Township 13 North, Range 3 West, Seward Meridian; and including an area extending out 15 feet on either side of the line.
- Four underground conduits carrying power lines crossing the right-of-way perpendicularly at approximately Railroad Mileage 119.00; also underground power lines diverging and heading due north from those described above at Manhole 43-27 located along the eastern boundary of the right-of-way until they reach a power pole and electrical transformer approximately 250 feet north of the above-described lines and midway between the main-line track and the eastern boundary of the right-of-way; all located in the NE4 of the NE4 of Section 3, Township 13 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the conduits.
- Underground conduits carrying communication cables crossing at approximately a 75° angle the right-of-way at approximately Railroad Mileage 119.10 which is approximately 200 feet south of the centerline of Spur Road where it crosses the right-of-way and meets Davis Highway, and located in the NE4 of the NE4 of the NE4 of Section 3, Township 13 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the conduits.

- Underground conduits carrying communication cables crossing in a more-or-less straight line at a perpendicular to the right-of-way at approximately Railroad Mileage 119.19 which is approximately 60 feet south of the centerline of Spur Road where it crosses the right-of-way and meets Davis Highway, and located in the NE4 of the NE4 of the NE4 of Section 3, Township 13 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the conduits.
- 54 119.20 Spur Road, being approximately 75 feet wide, where it crosses the right-of-way and meets Davis Highway at approximately Railroad Mileage 119.20, and located in the sub-quarter sections which meet at the point of meeting of Sections 2 and 3, Township 13 North, and Sections 34 and 35, Township 14 North, Range 3 West, Seward Meridian.
- Spur Road from its crossing described in Item 54
  above where it meets with Davis Highway at
  approximately Railroad Mileage 119.20, thence
  running north, parallel and adjacent to the
  Elmendorf Air Force Base boundary, to its junction
  with an unnamed access road, that road thence
  running north, parallel and adjacent to the Base
  boundary, to approximately Railroad Mileage 119.62
  where it crosses into Elmendorf Air Force Base,
  all being on the eastern side of the main-line
  track, and located in the SE4 of the SE4 of the
  SE4 of Section 34 and the W2 of the SW4 of Section
  35, Township 14 North, Range 3 West, Seward
  Meridian.
- Hubble Road from its intersection with Spur Road, at approximately Railroad Mileage 119.20, to approximately Railroad Mileage 119.60, all being west of the main-line track, and located in the E2 of the SE4 of Section 34 and the W2 of the SW4 of Section 35, Township 14 North, Range 3 West, Seward Meridian.
- 57 119.20
  A 14-inch underground water main crossing the right-of-way in an east/west direction, at approximately Railroad Mileage 119.20, or approximately 50 feet north of the centerline of Spur Road where it crosses the right-of-way to meet Davis Highway, and located in the SE4 of the

SE4 of the SE4 of Section 34 and the SW4 of the SW4 of the SW4 of Section 35, Township 14 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the main.

- A Security Police Bunker, consisting of a structure and the surrounding area within a radius of 30 feet, located approximately 70 feet east of the main-line track and approximately 150 feet north of the centerline of Spur Road where it crosses the right-of-way, at approximately Railroad Mileage 119.25, and located in the SE4 of the SE4 of the SE4 of Section 34 and the SW4 of the SW4 of the SW4 of Section 35, Township 14 North, Range 3 West, Seward Meridian.
- A buried communication cable crossing the right-of-way in an easterly direction at approximately Railroad Mileage 119.25, or 425 feet north of Spur Road where it crosses the right-of-way to meet Davis Highway, and located in the SE4 of the SE4 of the SE4 of Section 34 and the SW4 of the SW4 of the SW4 of Section 35, Township 14 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the cable.
- 60 119.35 A 14-inch underground water main entering from Elmendorf Air Force Base the right-of-way on its eastern side at approximately Railroad Mileage 119.35 that being approximately 750 feet north of the centerline of Spur Road where it crosses the right-of-way, thence in a straight line north-northwesterly, crossing the main-line track, to a point at approximately Railroad Mileage 119.38 approximately midway between the main-line track and the Base boundary, thence in a straight line northerly until it crosses into Elmendorf Air Force Base west of the main-line track at approximately Railroad Mileage 119.61, and located in the SE4 of the SE4 of the SE4 of Section 34 and the W2 of the SW4 of Section 35, Township 14 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the main.

- An aerial communication line crossing the right-of-way in an east/west direction at approximately Railroad Mileage 119.60, or 1,950 feet north of Spur Road where it crosses the right-of-way to meet Davis Highway, and located in the NW4 of the SW4 of Section 35, Township 14 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the line.
- An 8-inch underground water main entering the right-of-way from the east from Elmendorf Air Force Base at approximately Railroad Mileage 119.42 crossing in a northwesterly direction the Army Spur Line to Fort Richardson to a point between and approximately equidistant from the Spur Line and the main-line track, thence turning in an easterly direction, crossing the main-line track and re-entering the Base on the west at approximately Railroad Mileage 119.44, and located in the NW4 of the SW4 of Section 35, Township 14 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the main.
- An overhead transmission line crossing the right-of-way in an east-southeasterly direction at approximately Railroad Mileage 119.60, or approximately 2,000 feet north of the centerline of Spur Road where it crosses the right-of-way to meet Davis Highway, and located in the NW4 of the SW4 of Section 35, Township 14 North, Range 3 West, Seward Meridian; and including an area extending out 15 feet on either side of the line.
- An underground sanitary sewer line entering the right-of-way at S. 85°30' E., or approximately Railroad Mileage 119.75, and running in an easterly direction across the right-of-way to a point on the far side of the right-of-way approximately 100 feet north of its entrance where it leaves the right-of-way, and located in the NW4 of the SW4 of Section 35, Township 14 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the line.

A buried communication cable crossing the right-of-way in an east/west direction at approximately Railroad Mileage 119.80, and located in the SW4 of the NW4 and the NW4 of the SW4 of Section 35, Township 14 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the cable.

#### ON FORT RICHARDSON:

- 1 122.91 All those portions of Loop Road, Roosevelt Road, and Farrel Road where they intersect while crossing the right-of-way, said intersection being located at approximately Railroad Mileage 122.91 and the entire area stretching for approximately 1,000 feet along and across the right-of-way, all being located in the W2 of Section 19, T. 14 N., R. 2 W., Seward Meridian.
- 2 121.60 An underground communication cable crossing the right-of-way at approximately Railroad Mileage 121.60, in the NW4 of Section 25, Township 14 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the cable.
- 3 122.12 An underground communication cable crossing the right-of-way at approximately Railroad Mileage 122.12, at the line dividing Sections 24 and 25, Township 14 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the cable.
- A communication line proceeding from the Railroad T. & T. Line Pole No. 10,988 on the northwesterly side of the main track, thence southeasterly in an underground conduit 75 feet approximately to Alaska Communications System Pole No. 10,987, crossing under the centerline of the main track at survey station 3721 +74 (1947 chainage); thence northeasterly 150 feet approximately by aerial pole line to the southeasterly right-of-way line of the railroad, at approximately Railroad Mileage 122.87, and located in the W2 of Section 19, Township 14 North, Range 2 West, Seward Meridian; and including an area extending out 10 feet on either side of the line.

- 123.00 A power line crossing the right-of-way at approximately Milepost 123.00, survey station 3732 +60, and located in the NE4 of the SW4 of Section 19, Township 14 North, Range 2 West, Seward Meridian; and including an area extending out 30 feet on either side of the line.
- 6 123.03 A communication cable crossing the right-of-way approximately 90 feet north of Milepost 123, survey station 3733+97, and located in the NE4 of the SW4 of Section 19, Township 14 North, Range 2 West, Seward Meridian; and including an area extending out 10 feet on either side of the cable.
- 7 126.70 An artillery road where it crosses the right-of-way at approximately Railroad Mileage 126.70, and located in the SE4 of Section 9, Township 14 North, Range 2 West, Seward Meridian.
- 8 127.96 A 60-foot right-of-way for a road, 30 feet on each side of, and parallel to the centerline of the road, across the 200 foot right-of-way of the Railroad at Railroad Mileage 127.96, the centerline of road crossing the centerline of the main track of the Railroad at survey station 3395 approximately, and located in the N2 of Section 10, Township 14 North, Range 2 West, Seward Meridian. Also a road branching off from the above-described crossing where it intersects with the road described in item 9 below, all being west of the main-line track.
- 9 127.96 An unnamed road, running parallel to the main-line track, from its junction with the crossing described in Item 8 above at approximately Railroad Mileage 127.96, in the N2 of Section 10, Township 14 North, Range 2 West, Seward Meridian, to its entry onto Fort Richardson at approximately Railroad Mileage 129.30, approximately 125 feet due south of the Post boundary, in Section 3, Township 14 North, Range 2 West, Seward Meridian, all being wholly within the right-of-way and west of the main-line track; also, a branch from the above-described road diverging at a perpendicular approximately 1,100 feet due south of the Post boundary, all being west of the main-line track.

- 10 127.96 A communication cable crossing the right-of-way at approximately Railroad Mileage 127.96, and located in the N2 of Section 10, Township 14 North, Range 2 West, Seward Meridian; and including an area extending out 10 feet on either side of the cable.
- 11 Not Used.
- 12 123.38 An unnamed road, crossing into the right-of-way in a west-northwesterly direction at approximately Railroad Mileage 123.38, and located in the NE4 of Section 19, Township 14 North, Range 2 West, Seward Meridian.
- Not Used.
- 14 122.14 An unnamed road entering the right-of-way at approximately Railroad Mileage 122.14, running in an easterly direction paralleling the right-of-way boundary, to approximately Railroad Mileage 122.32 where it leaves the right-of-way, all being north of the main-line track, and located in the SW4 of the SE4 of Section 24, Township 14 North, Range 3 West, Seward Meridian.
- 15 122.90 An 18-inch concrete line with manholes crossing Farrel Road just before its junction with Loop Road, at approximately Railroad Mileage 122.90, all being northwest of the main-line track, and located in the SW4 of Section 19, Township 14 North, Range 2 West, Seward Meridian.

### On Anchorage Petroleum Terminal --

- Access to Anchorage Petroleum Terminal (U.S. Army) by way of Ocean Dock, Port, Tidewater and Terminal Roads and W. Bluff Drive and the unnamed road branching off to the east from Ocean Dock Road; located within the Alaska Railroad Terminal Reserve in Section 7, Township 13 North, Range 3 West, Seward Meridian.
- Multiproduct underground pipelines located within Section 7, lots 10 and 15, Township 13 North, Range 3 West, Seward Meridian; and including an area extending out 10 feet on either side of the lines (A-041517).

All the foregoing covenants and agreements shall run with the land.

### b. Avigation Easements:

The following easements over the real property hereby conveyed and situated within the exterior perimeters of or adjacent to Elmendorf Air Force Base and Fort Richardson are reserved to the United States, or its assigns, for the purpose of unobstructed passage of all aircraft ("aircraft" being defined for the purpose of this instrument as any contrivance now known or hereafter invented, used, or designed for the navigation of or flight in the air) by whomever owned and operated in the airspace above said real property at the following heights:

- (1) Within Elmendorf Air Force Base: From 23 feet above the railroad bed as it exists to an infinite height on that portion of the main line right-of-way lying approximately between Railroad Mileage 117.77 and Railroad Mileage 118.12, and Railroad Mileage 118.91 and Railroad Mileage 119.30, those being areas within extensions from the active aircraft runways, as more specifically displayed on the plat entitled Elmendorf Air Force Base P.L. 97-468 Easements, recorded herewith.
- (2) From 60 feet above the railroad bed as it exists to an infinite height on all that portion of the real property hereby conveyed lying between Railroad Mileage 118.12 and Railroad Mileage 118.91, that being all the area situated between the two areas identified in the foregoing paragraph, and as more specifically displayed on the plat entitled Elmendorf Air Force Base P.L. 97-468 Easements, recorded herewith.
- (3) Within and Adjacent to Fort Richardson: From 50 feet above the railroad bed as it exists to an infinite height on all that portion of the main line right-of-way situated approximately between Railroad Mileage 122.74 and Railroad Mileage 131.66, that being an active aircraft training area and restricted airspace zone, as more specifically displayed on the plat entitled Fort Richardson P.L. 97-468 Easements, recorded herewith.

There is further reserved to the United States the right to fire or fly missiles or projectiles in the above-described airspace of Fort Richardson except when a train or Alaska Railroad personnel are present in the area. No right to fire or fly missiles or projectiles below the above-described airspace is reserved hereby.

There is further reserved to the United States, or its assigns, the right to cause in all airspace above the real property subject to the above-described avigation easements such noise, vibrations, fumes, dust, fuel particles, and all other ordinary effects that may be caused by the operation of aircraft landing, taking off, or operating at or on Elmendorf Air Force Base or Fort Richardson; provided, however, that the phrase "operation of aircraft" and the word "operating," as used in this instrument, do not include aircraft crashes or landing of aircraft on the above-described real property. The Alaska Railroad Corporation hereby waives, remises, and releases all rights or causes of action which it, or its successors or assigns, may hereafter acquire against the United States due to such noise, vibration, fumes, dust, fuel particles, or any other ordinary effects that may be caused by the operation of aircraft landing at, taking off from, or operating at or on Elmendorf Air Force Base or Fort Richardson, except that no waiver is made or given hereby of any action or liability accruing in favor of the State of Alaska or the Alaska Railroad Corporation under any applicable Federal or State law or regulation concerning air or water quality. The Avigation Easements hereby reserved include as an incident thereof the continuing right in the United States to prevent the erection or growth upon the above-described real property of the State of Alaska of any building, structure, tree, or other object extending into the prohibited airspace established by this paragraph 1.b, and to remove from said airspace, or at the sole option of the United States as an alternative, to require the marking and lighting as obstructions to air navigation, any such building, structure, tree, or other object which may in the future be upon the real property subject to these easements and intrude into the prohibited airspace established by this paragraph 1.b, together with the right of ingress to, egress from, and passage over the above-described real property to accomplish the purposes stated in this sentence.

The Alaska Railroad Corporation hereby covenants, for itself and its successors and assigns, that for and during the life of the avigation easements hereby reserved, it will not hereafter erect, permit the erection or growth of, or permit or suffer to remain upon the real property any building, structure, tree, or other object extending into the prohibited airspace established by this paragraph 1.b, and that it shall not hereafter use or permit or suffer the use of said property in such manner as to create electrical interference with radio communication between any installation upon Elmendorf Air Force Base or Fort Richardson, and aircraft, or as to make it difficult for fliers to distinguish between landing lights and other lights, or as to impair visibility in the vicinity of said bases, or as otherwise to endanger the landing, taking off, or maneuvering of aircraft within the prohibited airspace established by this paragraph 1.b.

These avigation easements do not prevent the Alaska Railroad Corporation, its successors or assigns, from transporting aboard rail cars objects, with reasonable prior notice, which extend into the prohibited airspace established by the enumerated paragraphs above, provided that such objects remain in transit and are not stored upon the right-of-way or on any of the real property subject to these easements. All the foregoing covenants and agreements shall run with the land.

# c. <u>Safety Zone Easements Related to Munitions and Explosives:</u>

The following easements in and over the real property hereby conveyed, and situated within the exterior perimeters of Elmendorf Air Force Base and Fort Richardson, are reserved to the United States, or its assigns, to maintain a safety zone surrounding locations wherein explosives and munitions are stored, handled, and transported, to wit: All that portion of the main line right-of-way lying approximately between Railroad Mileage 118.19 and Railroad Mileage 118.69, and Railroad Mileage 119.09 and Railroad Mileage 119.79 in the case of Elmendorf Air Force Base, and Railroad Mileage 121.10 and Railroad Mileage 122.41 in the case of Fort Richardson, as more specifically displayed on the plats entitled Elmendorf Air Force Base P.L. 97-468 Easements, and Fort Richardson P.L. 97-468 Easements, recorded herewith.

The easements reserved by this paragraph 1.c include the continuing right in the United States, or its assigns, to prohibit human habitation on (but not transportation of persons or freight over and through) the real property subject to these safety zone easements, and the right of ingress to, egress from, and passage over the said real property to accomplish the above purposes. The Alaska Railroad Corporation hereby convenants and agrees, for itself and its successors and assigns, that, for and during the life of this easement, it will not erect, permit the erection of, or permit or suffer to remain upon the said real property within the herein described safety zones any habitation or dwelling of any kind. All the foregoing covenants and agreements shall run with the land.

### d. Safety Zone Easements Surrounding Runways:

The following easements in and over the real property hereby conveyed, and situated within the exterior boundaries of Elmendorf Air Force Base, are reserved to the United States, or its assigns, to maintain safety zones surrounding the active runways: All those portions of the main line right-of-way lying

approximately between Railroad Mileage 117.64 and Railroad Mileage 118.16, and Railroad Mileage 118.79 and Railroad Mileage 119.41, as more specifically displayed on the plat entitled Elmendorf Air Force Base P.L. 97-468 Easements, recorded herewith.

The easements reserved by this paragraph 1.d include the continuing right in the United States, or its assigns, to prohibit human habitation on (but not transportation of persons or freight over and through) the real property subject to these safety zone easements, and the right of ingress to, egress from, and passage over the said real property to accomplish the above purposes. The Alaska Railroad Corporation hereby convenants and agrees, for itself and its successors and assigns, that, for and during the life of this easement, it will not erect, permit the erection of, or permit or suffer to remain upon the said real property within the herein described safety zones any habitation or dwelling of any kind. All the foregoing convenants and agreements shall run with the land.

#### e. Fire, Rescue, and Security Easement:

An easement in and over all the real property hereby conveyed, and situated within the exterior perimeters of Elmendorf Air Force Base and Fort Richardson, is reserved to the United States, or its assigns, permitting the United States (1) to enter upon said real property at any time without notice for purposes of fire suppression or protection of government property or in response to aircraft emergencies or crashes, or for training for such purposes; (2) to maintain the continued security of the military installations adjacent to said real property by entry of security personnel of the United States and their equipment upon said real property, without notice and as may be necessary, subject to the requirement that such entry or use shall not interfere with railroad operations; and (3) to enter upon the said real property to cut or trim any vegetation deemed by the United States to interfere with installation security or with the continuing ability to use fire suppression equipment as aforesaid. All the foregoing convenants and agreements shall run with the land.

### f. Restrictive Security Easement:

An easement in and over all the real property hereby conveyed, and situated within the exterior perimeters of Elmendorf Air Force Base and Fort Richardson, is reserved to the United States, or its assigns, by which, unless the Alaska Railroad Corporation, or its successors or assigns, takes certain actions as hereinafter stated, the United States, in

order to prevent compromise of United States military security and assure adequate protection of defense resources within the military reservations in the interests of national defense, may prevent access to or presence on said properties by any person, other than passengers on a train, employees, agents, or contractors of the Alaska Railroad Corporation, or its successors or assigns, or Federal, State, or Municipal government employees. The Alaska Railroad Corporation, hereby convenants and agrees, for itself and its successors and assigns, that for and during the life of this easement, it and they will take no action to permit access to or presence upon the above described real property by any person except those who are passengers on a train, employees, agents, or contractors of the Alaska Railroad Corporation, or its successors or assigns, or employees of the Federal, State, or Municipal Governments, unless it has first taken such precautions as are acceptable to the United States which are reasonable and generally utilized in similar circumstances, to include erection of suitable barriers and adoption of control procedures, to ensure such access does not jeopardize the security of the military installations. All the foregoing covenants and agreements shall run with the land.

#### g. <u>Termination of Easements</u>:

The easements, covenants, and agreements specified in paragraphs 1.c, 1.e, and 1.f above shall terminate if and when, and to the extent the military reservation within which they are situated, is revoked, vacated, or no longer used for military or defense purposes.

#### Secretary of Agriculture:

An easement for a communication site issued within Sec. 3, T. 10 N., R. 2 W., Seward Meridian (43 U.S.C. 1732) (AA-953).

Such easements and the use of such easements shall not interfere with railroad operations or support functions of the State-owned railroad, as defined in Sec. 603(14) of ARTA.

- 2. Pursuant to Sec. 604(b)(4) of ARTA, the exclusive license granted herein is subject to any valid leases, permits and other instruments issued before the date of transfer of the railroad to the State, specifically including:
  - a. The granted license under Power Project 350 as to those lands herein conveyed within Secs. 8 and 9, T. 13 N., R. 3 W.; Sec. 24, T. 14 N., R. 3 W., all in Seward Meridian.

- b. The granted license under Power Project 2170 as to those lands herein conveyed within Secs. 20 through 24, 29, and 30, T. 10 N., R. 1 E.; Secs. 5 and 15, T. 10 N., R. 1 W., all in Seward Meridian.
- c. The granted license under Power Project 7114 as to those lands herein conveyed within Secs. 19 and 20, T. 14 N., R. 2 W., Seward Meridian.
- d. There is excepted and reserved any element of ownership from Sec. 19, T. 14 N., R. 2 W.; Sec. 24, T. 14 N., R. 3 W.; Sec. 36, T. 15 N., R. 2 W.; Sec. 26, T. 16 N., R. 1 W.; Secs. 15, 16, 19, 20 and 21, T. 16 N., R. 1 E., all in Seward Meridian, conveyed by the United States pursuant to the Alaska Communications Disposal Act approved November 14, 1967 (40 U.S.C. 771-792) (AA-6187).
- e. Any interest in the Glenn Highway transferred to the State of Alaska by the quitclaim deed dated June 30, 1959, executed by the Secretary of Commerce under the authority of the Alaska Omnibus Act, Public Law 86-70 (73 Stat. 141) as to Secs. 35 and 36, T. 15 N., R. 2 W.; Secs. 15, 16, 20 and 21, T. 16 N., R. 1 E., all in Seward Meridian.
- f. Any interest in the Seward/Anchorage Highway transferred to the State of Alaska by the quitclaim deed dated June 30, 1959, executed by the Secretary of Commerce under the authority of the Alaska Omnibus Act, Public Law 86-70 (73 Stat. 141) as to Secs. 22, 23, 24 and 30, T. 10 N., R. 1 E.; Secs. 5, 6, 8, 9, 10, 13, 14, 15 and 24, T. 10 N., R. 1 W.; Secs. 1, 2, 3 and 4, T. 10 N., R. 2 W., all in Seward Meridian.
- g. A right-of-way, AA-2559, for highway purposes, issued to the State of Alaska, Department of Highways (now Department of Transportation and Public Facilities) within Sec. 35, T. 15 N., R. 2 W., Seward Meridian, under the Act of August 27, 1958, as amended (23 U.S.C. 317).
- h. A right-of-way, AA-8095, for highway purposes, issued to the State of Alaska, Department of Highways (now Department of Transportation and Public Facilities) within Secs. 16 and 21, T. 16 N., R. 1 E., Seward Meridian, under the Act of August 27, 1958, as amended (23 U.S.C. 317).

BOOK

- i. A right-of-way, AA-8997, for highway purposes, issued to the State of Alaska, Department of Highways (now Department of Transportation and Public Facilities) within Sec. 16, T. 16 N., R. 1 E., Seward Meridian, under the Act of August 27, 1958, as amended (23 U.S.C. 317).
- j. A right-of-way, A-010069, for a transmission line issued to the Matanuska Electric Association, Inc., within Sec. 15, T. 16 N., R. 1 E., Seward Meridian, under the Act of February 15, 1901 (43 U.S.C. 959).
- k. A right-of-way, AA-15076, for a transmission line issued to the Matanuska Electric Association, Inc., within Sec. 15, T. 16 N., R. 1 E., Seward Meridian, under the Act of February 15, 1901 (43 U.S.C. 959).
- A right-of-way, AA-16161, for a transmission line issued to the Chugach Electric Association, Inc., within Sec. 19, T. 14 N., R. 2 W.; Sec. 20, T. 14 N., R. 3 W., all in Seward Meridian, under the Act of February 15, 1901 (43 U.S.C. 959).
- m. A right-of-way, A-020860, for a transmission line issued to the Chugach Electric Association, Inc., within U.S. Survey No. 408 (PLO 789) Blocks 38B and 41D (T. 13 N., R. 3 W., Seward Meridian), under the Act of February 15, 1901 (43 U.S.C. 959).
- n. A right-of-way, A-021429, for a transmission line issued to the Matanuska Electric Association, Inc., within Secs. 5 and 8, T. 15 N., R. 1 W., Seward Meridian, under the Act of February 15, 1901 (43 U.S.C. 959).
- o. A right-of-way, A-022452, for a transmission line issued to the Alaska Power Administration within Secs. 35 and 36, T. 15 N., R. 2 W., Seward Meridian (43 U.S.C. 1732).
- p. A right-of-way, A-029885, for an electric distribution line issued to the Chugach Electric Association, Inc., within Secs. 20 through 24, T. 10 N., R. 1 E.; Secs. 1 thru 4, T. 10 N., R. 2 W., all in Seward Meridian, under the Act of February 15, 1901 (43 U.S.C. 959).

- q. A right-of-way, A-038111, for an electric distribution line issued to the Matanuska Electric Association, Inc., within Sec. 24, T. 16 N., R. 1 W., Seward Meridian (PLO 2259), under the Act of February 15, 1901 (43 U.S.C. 959).
- r. A right-of-way, A-046811, for a transmission line, issued to the Chugach Electric Association, Inc., within Sec. 30, T. 10 N., R. 1 E., Seward Meridian, under the Act of February 15, 1901 (43 U.S.C. 959).
- s. A right-of-way, A-050466, for a transmission line issued to the Matanuska Electric Association, Inc., within Sec. 10, T. 14 N., R. 2 W.; Sec. 24, T. 14 N., R. 3 W.; Secs. 25, 26, 34 and 35, T. 15 N., R. 2 W.; Secs. 5 and 8, T. 15 N., R. 1 W.; Sec. 26, T. 16 N., R. 1 W., all in Seward Meridian, under the Act of February 15, 1901 (43 U.S.C. 959).
- t. A right-of-way, AA-51054, for a pipeline issued to the Alaska Pipeline Company within Secs. 15, 16, 20 and 21, T. 16 N., R. 1 E., Seward Meridian, under the Act of February 25, 1920 (30 U.S.C. 185).
- u. A right-of-way, A-057370, for a material site issued to the State of Alaska, Department of Highways (now Department of Transportation and Public Facilities) within Sec. 15, T. 16 N., R. 1 E., Seward Meridian, Under the Act of August 27, 1958, as amended (23 U.S.C. 317).
- v. A right-of-way, A-063653, for a transmission line issued to the Matanuska Electric Association, Inc., within Secs. 35 and 36, T. 15 N., R. 2 W., Seward Meridian, under the Act of February 15, 1901 (43 U.S.C. 959).
- w. A right-of-way, A-067568, for highway purposes, issued to the State of Alaska, Department of Highways (now Department of Transportation and Public Facilities) within Secs. 23 and 24, T. 10 N., R. 1 E., Seward Meridian, under the Act of August 27, 1958, as amended (23 U.S.C. 317).

HOOK

3. This license is subject to settlement or final adjudication of the unresolved claims of valid existing rights as defined in Sec. 603(3) of ARTA. A listing of these unresolved claims is set out below:

#### Parcels

All parcels in Whittier - State Selection AA-17588.

U.S. Survey No. 408:

That portion designated as Dedicated Railroad Centerline - State Selection A-060527.

Additional Terminal Reserve - State Selections A-060527 and A-061880 and Regional Selection (Cook Inlet Region, Inc.) AA-8098-32.

Block 1 Anchorage Townsite - State Selection A-061880 and Regional Selection (Cook Inlet Region, Inc.) AA-8098-30.

Blocks 3, 4 and 5 Anchorage Townsite - State Selection A-061880 and Regional Selection (Cook Inlet Region, Inc.) AA-8098-18.

Block 11 Anchorage Townsite - State Selection A-060527 and Regional Selection (Cook Inlet Region, Inc.) AA-8098-6.

Block 12 Anchorage Townsite - State Selection A-060527 and Regional Selection (Cook Inlet Region, Inc.) AA-8098-37.

Blocks 20 and 21 Anchorage Townsite - State Selection A-061880 and Regional Selection (Cook Inlet Region, Inc.) AA-8098-3.

Block 33 Fourth Addition, Anchorage Townsite - State Selection A-061880 and Regional Selection (Cook Inlet Region, Inc.) AA-8098-31.

Block 34 Fourth Addition, Anchorage Townsite - State Selection A-061880 and Regional Selection (Cook Inlet Region, Inc.) AA-8098-54.

Block 40A East Addition, Anchorage Townsite - State Selection A-061880 and Regional Selection (Cook Inlet Region, Inc.) AA-8098-32.

Blocks 41A and 41D East Addition, Anchorage Townsite - State Selection A-061880 and Regional Selection (Cook Inlet Region, Inc.) AA-8098-2.

Block 43 East Addition, Anchorage Townsite - State Selection A-061880 and Regional Selection (Cook Inlet Region, Inc.) AA-8098-54.

Block 59, lot 7 Anchorage Townsite - State Selection A-060527.

Block 59, lot 8 - State Selection A-060527 and Regional Selection (Cook Inlet Region, Inc.) AA-8098-9.

Blocks 120 and 121 Anchorage Townsite - State Selection A-061880 and Regional Selection (Cook Inlet Region, Inc.) AA-8098-38.

- U.S. Survey No. 1170 State Selections A-060527 and A-061880 and Regional Selections (Cook Inlet Region, Inc.) AA-8098-32, AA-8098-39, AA-8098-43 and AA-8098-70.
- U.S. Survey No. 3458, Tract C, Lots 4 and 5 State Selection A-061880.
- U.S. Survey No. 3458, Tract A, Block P Regional Selection (Cook Inlet Region, Inc.) AA-8098-42 and State Selection A-061880.

### Seward Meridian

- T. 13 N., R. 3 W.,
- Sec. 7, portions of lots 10 and 15 State Selection A-061880 and Regional Selections (Cook Inlet Region, Inc.) AA-8098-75 and AA-8098-69.
- Sec. 8 State Selection A-061880 and Regional Selection (Cook Inlet Region, Inc.) AA-8098-32.
- Sec. 9 State Selection A-061880 and Regional Selections (Cook Inlet Region, Inc.) AA-8098-32 and AA-8098-92.
- PLO 670 State Selection A-060527.
- PLO 789 State Selection A-061880 and Regional Selection (Cook Inlet Region, Inc.) AA-8098-32.

- PLO 3128 and PLO 3919 State Selection A-061880 and Regional Selection (Cook Inlet Region-, Inc.)
  AA-8098-32.
- T. 15 N., R. 2 W.
  PLO 2308 and 689 State Selection A-061267, Village Selection (Eklutna Inc.) AA-6661-C and Regional Selection (Cook Inlet Region, Inc.) AA-8098-16.
- T. 15 N., R. 1 W.
  PLO 3577 State Selection A-061179, Village Selection
  (Eklutna, Inc.) AA-6661-C and Regional Selection
  (Cook Inlet Region, Inc.) AA-8098-91.
- T. 16 N., R. 1 W.
  Sec. 24 (acquired) Village Selection (Eklutna, Inc.)
  AA-6661-B and Regional Selection (Cook Inlet Region, Inc.) AA-8098-17.
- PLO 755 Village Selection (Eklutna, Inc.) AA-6661-C and Regional Selection (Cook Inlet Region, Inc.) AA-8098-17.
- PLO 2672 State Selection A-055409, Village Selection (Eklutna, Inc.) AA-6661-C and Regional Selection (Cook Inlet Region, Inc.) AA-11153-14.
- PLO 2259 Village Selection (Eklutna, Inc.) AA-6661-C.

## Right-of-way:

### Seward Meridian

- T. 10 N., R. 1 E., Secs. 20 to 24, inclusive, 28, 29 and 30 State Selection A-053724.
- T. 10 N., R. 1 W., Secs. 5, 6, 8, 9, 10, 13, 14, 15, 23, 24 and 25 State Selection A-053730.
- T. 10 N., R. 2 W., Secs. 1, 2, 3 and 4 State Selection A-053730.
- T. 12 N., R. 3 W., Sec. 33 State Selection A-058730.
- T. 13 N., R. 3 W., Secs. 3, 4, 9 and 10 Regional Selection (Cook Inlet Region, Inc.) AA-8098-92 and State Selections A-061880.

- T. 13 N., R. 4 W., N2, Sec. 35 State Selection A-058730.
- T. 14 N., R. 3 W., Secs. 24 and 25 Regional Selection (Cook Inlet Region, Inc.) AA-8098-35 and State Selection AA-21462.
- T. 14 N., R. 3 W., Secs. 26 and 35 Regional Selection (Cook Inlet Region, Inc.) AA-8098-92 and State Selection AA-21462.
- T. 14 N., R. 3 W., Sec. 34 State Selection AA-21462 and Regional Selection (Cook Inlet Region, Inc.) AA-8098-92.
- T. 14 N., R. 2 W., Secs. 3, 9, 10, 16, 17 and 19 -State Selection A-061777 and Regional Selection (Cook Inlet Region, Inc.) AA-8098-35.
- T. 14 N., R. 2 W., Secs. 20 and 21 Regional Selection (Cook Inlet Region, Inc.) AA-8098-35 and State Selection A-061777.
- T. 15 N., R. 1 W., Sec. 5: lots 4, 13, 18, 32, 40, 41, 46, 47, 48, 49, 52, 54, 63, 64 and 66 - State Selection A-058730.
  - lot 15 State Selection A-061179 and Village Selection (Eklutna, Inc.) AA-6661-A.

S2SW4SW4NE4 - Native allotment AA-5834, Village Selection (Eklutna Inc.) AA-6661-F, Regional Selection (Cook Inlet Region, Inc.) AA-11153-23 and Litigation AA-16675.

- T. 15 N., R. 1 W., Sec. 7 lots 7, 20 and 64 State Selection A-058730.
- T. 15 N., R. 1 W., Sec. 18 lots 10, 41, 58, 75, 89, 107, 119, 137, 145, 161, 165, 184, 186, 199 and 201 State Selection A-058730.
- T. 16 N., R. 1 W., Secs. 24, 26, 27, 32, 33 and 34 -State Selection A-055409, Village Selection (Eklutna Inc.) AA-6661-A and Litigation AA-41462.

- T. 16 N., R. 1 E., Secs. 15, 16, 20, 21 and 22 -State Selection A-055409, Village Selection (Eklutna, Inc.) AA-6661-A and Litigation AA-41462.
- T. 16 N., R. 1 E., Sec. 19 State Selection A-055409, Village Selection (Eklutna, Inc.) AA-6661-C, Regional Selection (Cook Inlet Region, Inc.) AA-8098-10 and Litigation AA-41462.

During the term of this license the exclusive rights granted by this license shall not be diminished by any unresolved claim of a valid existing right.

- 4. Pursuant to Sec. 604(b)(4) of ARTA, the exclusive license granted for any lands herein shall terminate upon the conveyance of such lands following the settlement or relinquishment of any of the unresolved claims of valid existing rights described in paragraph 3 above. This license shall terminate only to the extent of the claim or claims settled or adjudicated.
- 5. If the real property that is the subject of any unresolved claim listed in paragraph 3 above is located within the railroad's right-of-way and if the final adjudication of the claim is in favor of the claimant and against the Alaska Railroad, the license granted herein shall automatically terminate for such property upon conveyance of that property pursuant to Sec. 604(b)(4) of ARTA. If as the result of such a conveyance, any lands within the railroad's right-of-way or any interest in such lands are conveyed from federal ownership, the State shall, concurrently with the conveyance to the claimant, receive not less than an exclusive use easement in such lands pursuant to Sec. 606(b)(4)(B) of ARTA.
- 6. If the final adjudication of any unresolved claim listed in paragraph 3 is against the claimant and in favor of the Alaska Railroad, that land previously subject to the claim shall, pursuant to Sec. 604(b)(2) of ARTA, be conveyed to the State by an interim conveyance or patent. Upon such conveyance, the license granted herein for the property subject to the conveyance shall terminate pursuant to Sec. 604(b)(4) of ARTA.

- 7. At the time all or a portion of this license is terminated, the United States Department of Transportation shall issue to the State a notice of termination identifying the real property that is no longer subject to the license and each conveyance that has caused full or partial termination of the license.
- 8. Pursuant to Sec. 606(e) of ARTA, the State shall be liable to a party receiving a conveyance of land among the above-described properties subject to this license for damage resulting from use by the State of land under this license in a manner not authorized by this license.

#### Definitions

- "Exclusive-use easement," as used herein, means as provided by Sec. 603(6) of ARTA an easement which affords to the easement holder the following:
  - a. the exclusive right to use, possess, and enjoy the surface estate of the land subject to this easement for transportation, communication, and transmission purposes and for support functions associated with such purposes;
  - b. the right to use so much of the subsurface estate of the lands subject to this easement as is necessary for the transportation, communication, and transmission purposes and associated support functions for which the surface of such lands is used;
  - subjacent and lateral support of the lands subject to the easement; and
  - d. the right (in the easement holder's discretion) to fence all or part of the lands subject to this easement and to affix track, fixtures, and structures to such lands and to exclude other persons from all or part of such lands.
- "Right-of-way," as used herein, means as provided in Sec. 603(11) of ARTA:
  - a. an area extending not less than one hundred feet on both sides of the center line of any main line or branch line of the Alaska Railroad; or

an area extending on both sides of the center line of any main line or branch line of the Alaska Railroad b. appropriated or retained by or for the Alaska Railroad that, as a result of military jurisdiction over, or non-Federal ownership of, lands abutting the main line or branch line, is of a width less than that described in subparagraph (a) of this paragraph.

IN WITNESS WHEREOF, the undersigned authorized officer of the Department of Transportation has in the name of the United States, set his/her hand and caused the seal of the Department to be hereunto affixed on this 5th day of January, 1985, in Nenana, Alaska. UNITED STATES OF AMERICA

Secretary of Transportation by the Administrator of the Wall

Federal Railroad Administration

Accepted:

ilroad *g*orpopa ALASKA

By: Its: Chairman of the Board

Dated January 5, 1985

Memorandum of Understanding

among

The Federal Railroad Administration

and

The State of Alaska

and

Eklutna, Inc.

and

Cook Inlet Region, Inc.

and

Toghotthele Corporation

<u>Purpose</u>: The purpose of this Memorandum of Understanding is to implement section 606(b)() of the Alaska Railroad Transfer Act of 1982 ("Act") by establishing the rights and obligations of the parties concerning the use of the Alaska Railroad land described in selections, including amendments thereto, filed in the offices of the Bureau of Land Management, United States Department of Interior by Alaska Native Village Corporations under the Alaska Native Claims Settlement Act, pending settlement or adjudication and conveyance of these selections.

Under the Act, rail properties which are the subject of Village selections would be administered as provided herein to preserve the interests of the Native Corporations and the Alaska Railroad ("Railroad") according to the terms of this Memorandum. The Memorandum of Understanding is an agreement intended to apply to the operation of the Railroad by the Federal Railroad Administration prior to the transfer of the Railroad to the State of Alaska and to the operation of the Railroad by the State or the State-owned Railroad after the transfer but prior to the settlement or adjudication and conveyance of Village selections.

Period of Agreement: This Memorandum of Understanding shall be in effect commencing on the date of enactment of the Alaska Railroad Transfer Act of 1982 ("Act") until the status of the lands subject to this agreement has been settled or adjudicated and the land has been conveyed to the State or the Village Corporation pursuant to the Act or the Alaska Native Claims Settlement Act, or in the event that the Railroad is not transferred to the State, until three years after enactment of the Act.

Lands Subject to Agreement: This Memorandum of Understanding applies to those rail properties of the Alaska Railroad which were described in selections, including amendments thereto, timely filed in the offices of the Bureau of Land Management,

United States Department of Interior by Village Corporations under the Alaska Native Claims Settlement Act. (Affected Lands).

Administration of Agreement: The Administrator of the Federal Railroad Administration shall be responsible for ensuring that the Railroad is being administered in accordance with the terms of the Agreement until transfer of the Railroad to the State. After transfer, responsibility shall be assumed by the Governor of the State of Alaska or his designee.

<u>Uses of Affected Lands</u>: During the term of this Memorandum of Understanding, the Affected Lands shall be administered in accordance with the following conditions:

### 1. Leases

(a) Leases, contracts, construction contracts, permits, licenses or other agreements, or extensions thereof, or any other direct or indirect use by the Railroad, which would permit the alteration of the physical condition or degradation of the Affected Lands shall not be entered into or undertaken without the prior written consent of the affected Native Corporations, which consent shall not be unreasonably withheld;

(b) Leases, contracts, construction contracts, permits, licenses or other agreements, or extensions thereof, may not be entered into for a term of more than two years without the consent of the affected Native Corporations which consent shall not be unreasonably withheld.

# 2. Gravel and Rock Areas

- (a) There shall be no extractions of gravel and rock from any new gravel pit or rock quarry not in existence on the date of enactment or from new pits on sites with current extraction activities, except with the written consent of the affected Native Corporation.
- (b) Mining or extraction of gravel at the Eagle
  River gravel site shall be restricted to an annual
  amount not to exceed 80,000 cubic yards of
  extracted material; provided that: the existing
  cleared and grubbed areas shall not be expanded
  unless necessary to enable the railroad to extract
  the amounts agreed to in this sentence. Should
  additional clearing or grubbing be required, the
  Railroad shall first consult with the Governor of
  the State of Alaska and Eklutna, Inc.

Existing Land; Existing Agreements: The purpose of this

Memorandum of Understanding is to facilitate the transfer of

the Railroad to the State of Alaska and to expedite the

settlement or adjudication of Village Corporation selections

pursuant to the Alaska Native Claims Settlement Act. Nothing

in this Memorandum of Understanding shall be construed to

validate or invalidate any third party interest claimed to be

in existence prior to the date of the Act; nothing in this

Memorandum of Understanding shall be construed to deny,

enlarge, impair or otherwise affect any valid existing right

or claim of a valid existing right or the applicability or

effect of any existing law or regulation respecting any such

right of claim.

<u>Assignment</u>: The provisions of this Memorandum of Understanding shall bind the agents and assigns of the State, the Administrator and the affected Native Corporations.

Enforcement: The provisions of this Memorandum of Understanding shall be enforceable in the United States District Court for Alaska.

Other Affected Village Corporations: Non-execution of this Memorandum of Understanding by other Village Corporations which filed selections (or their successors in interest) shall not preclude such Village Corporations from enforcing the terms of this agreement with respect to their selections.

Amendments: This Memorandum of Understanding may be amended

by agreement of the affected parties in writing.

July 20, 1983 Date: -

Date: Sumber 31, 1982

PEDERAL RAILROAD ADMINISTRATION

TOGHOTTHELE CORPORATION

Date: January 28, 1983

EKLUTNA, INC.

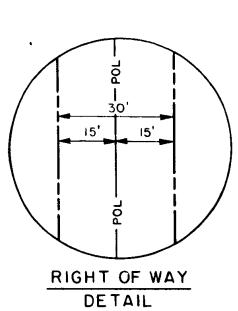
STATE OF ALASKA

Its: Chief of Staff Office of the Governor

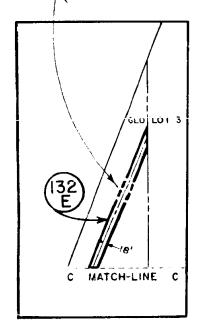
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COOK INLET REGION, INC.

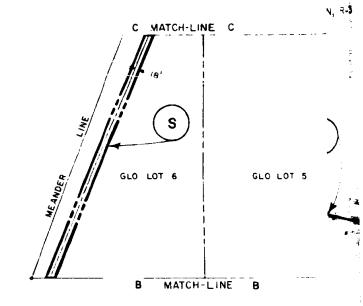
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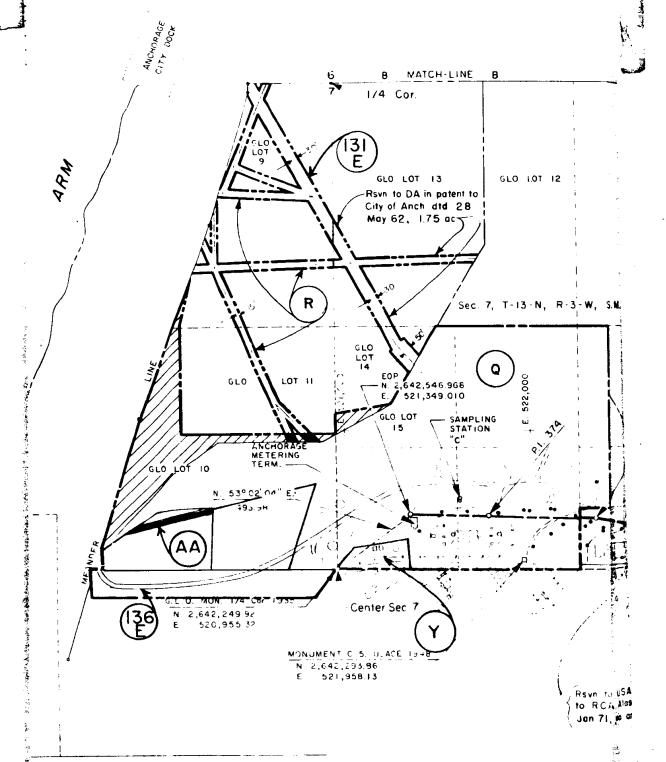


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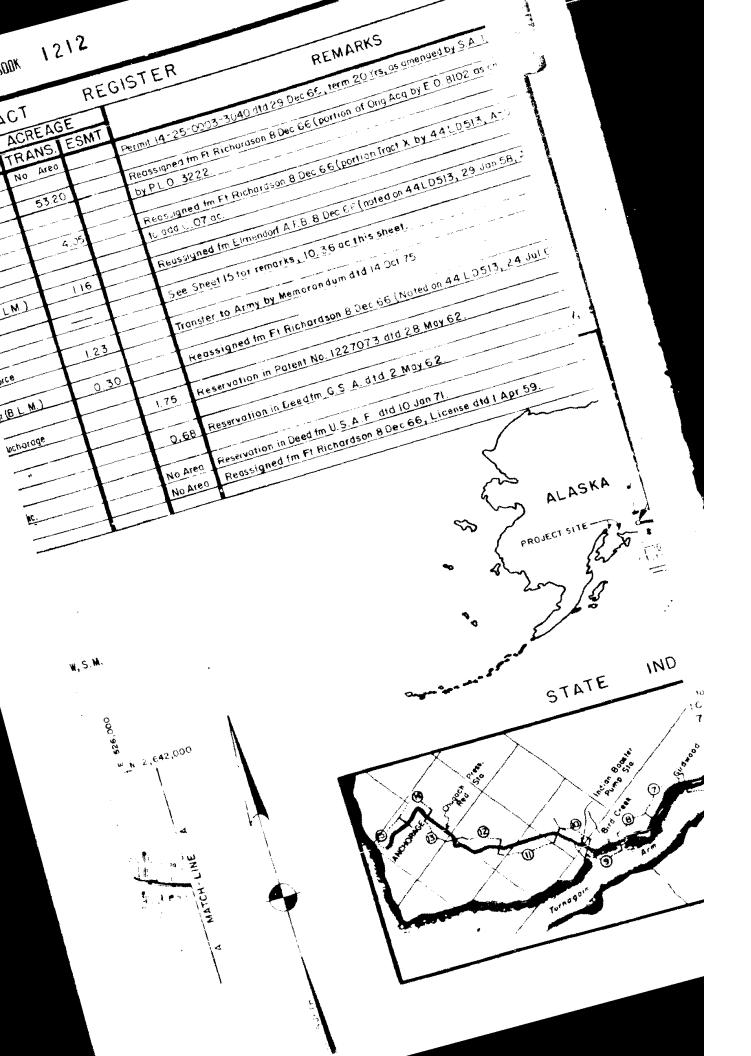
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N. 2,641,000 |



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41517, dtd 29 Jan 58) Amended 22 Jan 74

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# PROJECT MAP

DEPT. OF THE

ARMY

USING SERVICE PDO

# LOCATION OF PROJECT

STATE

ALASKA

STATE JUDICIAL DISTRICT

THIRD

DIVISION

NORTH PACIFIC

DISTRICT

ALASKA

ARMY AREA

AT MILES

OF ANCHORAGE

\_\_\_\_ MILES

OF

# TRANSPORTATION FACILITIES

RAILROADS\_

STATE ROADS\_

FEDERAL ROADS\_\_\_\_\_

AIR LINES\_

# **ACQUISITION**

TOTAL ACRES ACQUIRED

FEE

PUBLIC DOMAIN

USE PERMIT

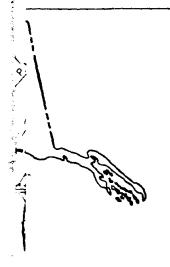
USE PERMIT (OTHER THAN P. D.)

TRANSFER

LEASE.

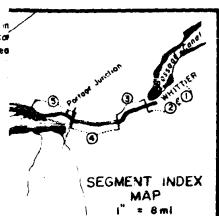
LESSER INTERESTS

DISPOSAL



2, Serial No. A-057352)

EX



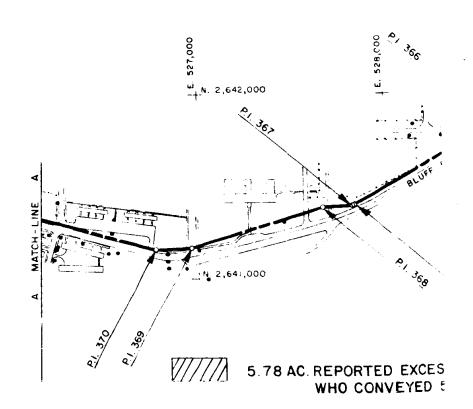
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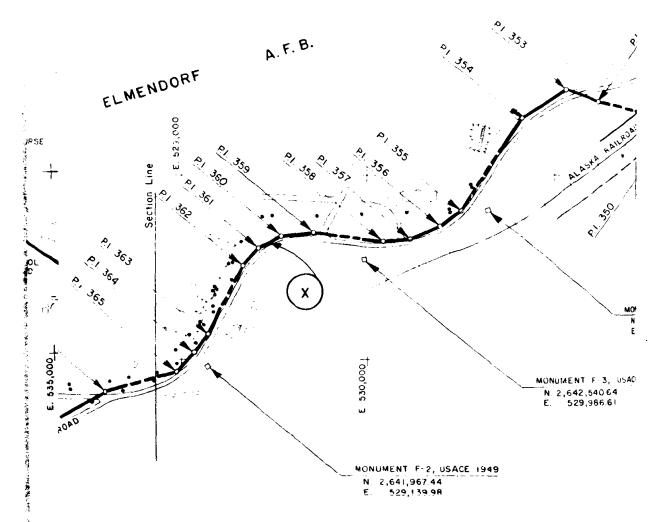
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Sec. 8, T-13-N, R-3-W, S.M.





MONUMENT F-1, USACE 1949 N. 2,641,399.22 E. 527,843.68

S ON SF 118 DTD 9JUL 75 TO GSA, 3.78 AC TO DOT/ARR PORTION TRACT Q. 1212

300K

PAGE 0367

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OMO

Sec. 10, T-13-N, R-3-W, S.M.

N. 2,645,000 IRSE MATCH LINE TO SHEET NO. 15 (STA. 3041+08) MOUNTAIN VIEW E. 535,000 1. 4 RE-3) 2) 1) RE = RE-RE-MONUMENT R-2, USACE 1967 N 2,642,325.97 E 535,433.71 ACI DRA TRA CHE 508 ٤ CHIÉ REC CHIE OF

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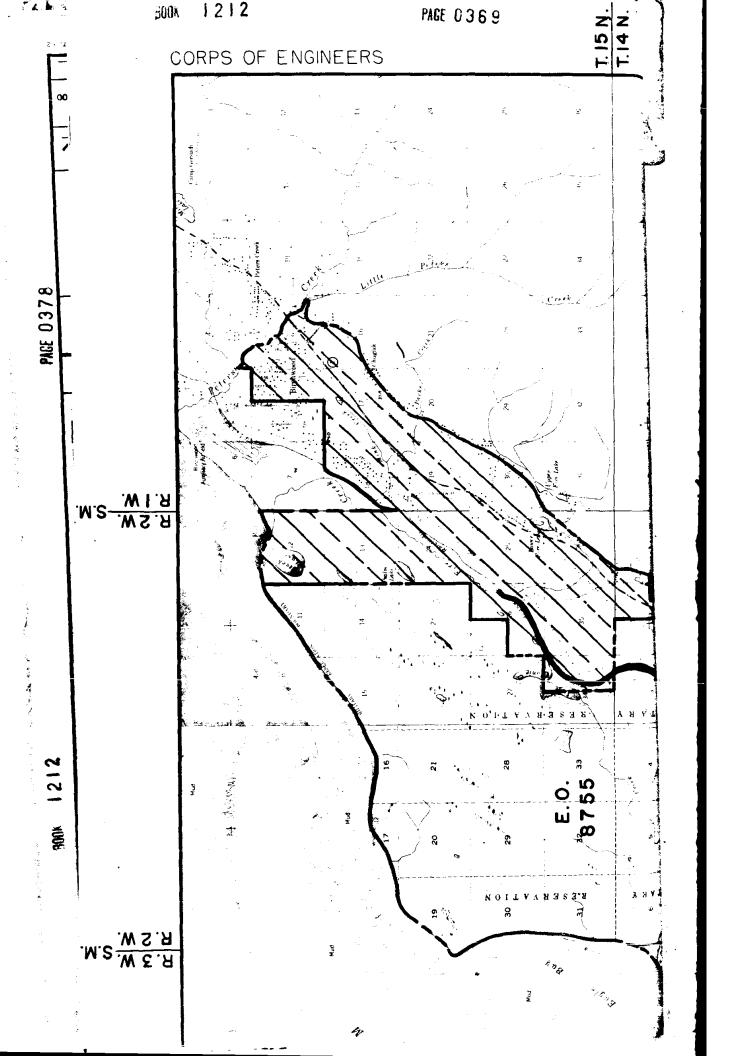
REVISIONS

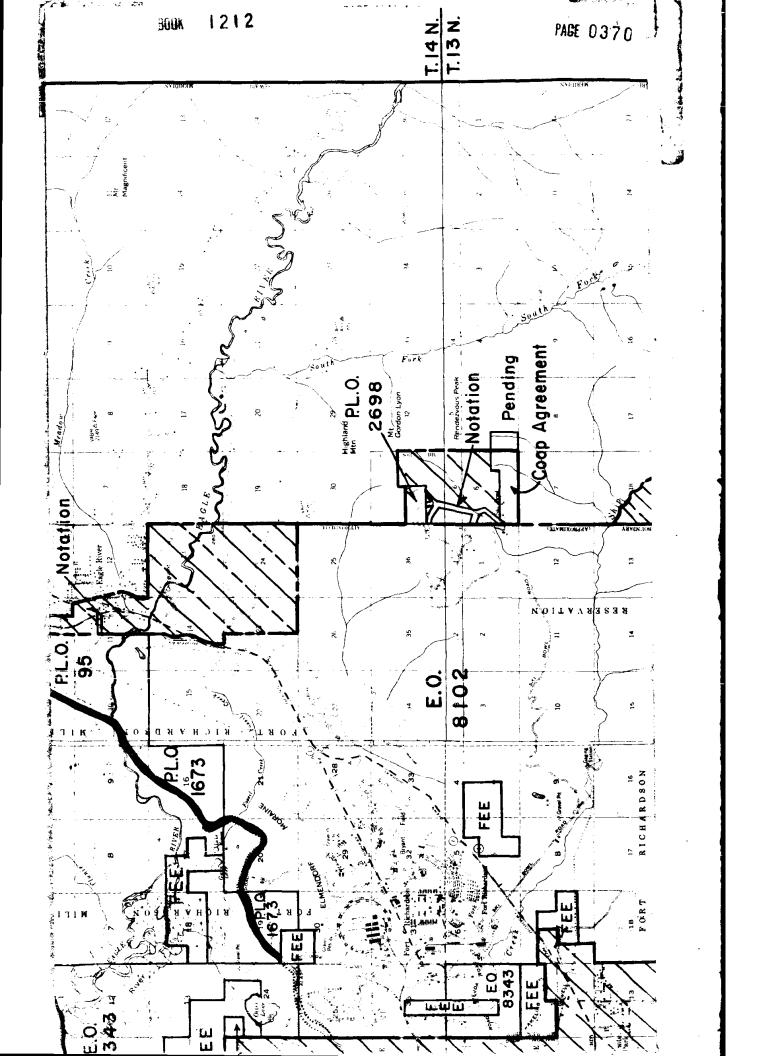
Due to Final Audit

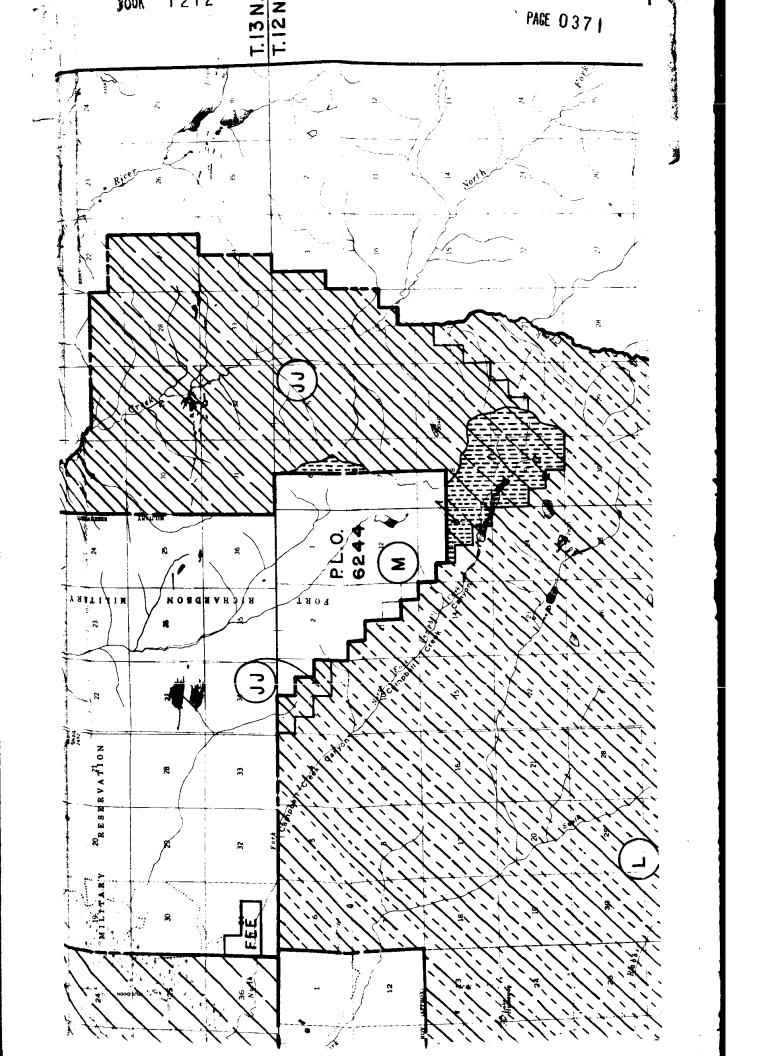
DATE AUDIT

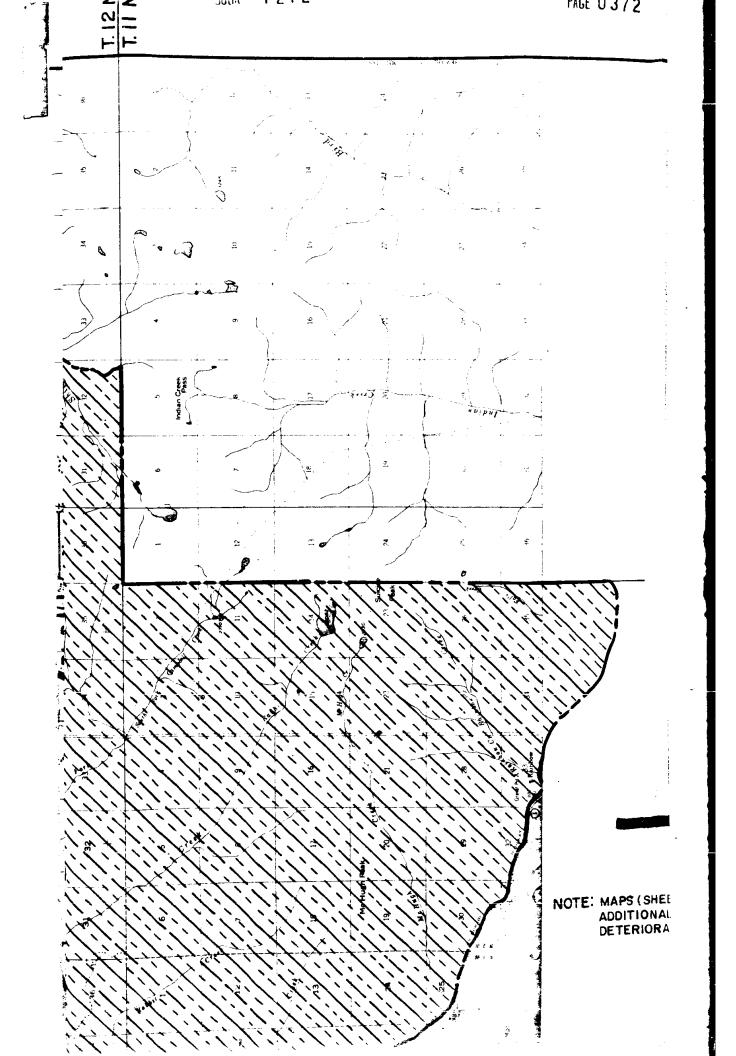
DATE

1212	TOTAL ACRES DISPOSED CHARE 0368
icolicina magganita <b>**</b>	PUBLIC DOMAIN WITHDRAWAL
esta ser como de como	USE PERMIT (OTHER THAN P. D.)
100 March 1980	
1	LEASES TERMINATED
	LESSER INTERESTS TERM.
	REASSIGNED
	OTHER
<b>\$</b>	LEGEND
	EXCEPT FOR THE SPECIAL SYMBOLS SHOWN BELOW MAP SYMBOLS ARE STANDARD IN ARMY MAP SERVICE TECHNICAL MANUAL NO. 23.
	RESERVATION LINE
원 	RESERVATION LINE (Actual Survey)
	TRACT BOUNDARY LINE
18083 DTD 24 JUN 75.	TRACT NUMBER
\$7733-B DTD 2 JUN 67. \$7733-A DTD 10 NOV 66.	CONTOUR LINE
07733 DTD 22 JUN 66.	DISPOSAL
QUISITION-AUTHORIZATION	EXTENDED OWNERSHIP LINE
SE	GMENT 15
OFFICE OF THE	RTMENT OF THE ARMY E ALASKA DISTRICT ENGINEER H PACIFIC DIVISION
WN BY ME Z.  GED BY ME Z.  CKED BY OF K.	468 REAL ESTATE
BI_ SCR	ITTIER - ANCHORAGE
the O. True learn	
TLANNING B CONTROL OF	ROL PIPELINE
MANNING & CONTROL BR.	<u>\</u>
APPROYED BY:	a DATE 24 Com 74
APPROYED BY:  APPROYED BY:  REAL ESTATE DIVISION	DISTRICT ENGINEER DATE 24 Gum 74
APPROYED BY:	N 25, D. C. Scole 400' 0 400' 800'









### FINAL

## PROJECT MAP

USING SERVICE 1724 INF BDE

#### LOCATION OF PROJECT

STATE ALASKA

JUDICIAL DISTRICT THIRD

DIVISION NORTH PACIFIC

DISTRICT ALASKA

ARMY AREA ANCHORAGE

MILES OF

#### TRANSPORTATION FACILITIES

STATE ROADS GLENN HWY

FEDERAL ROADS COMMERCE CO

#### AIR LINES (MOST MAJOR COMMERCIAL)

# AUDITED ACQUISITION

TOTAL ACRES ACQUIRED\* 161, 957.29

AS OF 1 JUL 40 45, 938.87)

FEE 9381.74

PUBLIC DOMAIN WITHDRAWAL 105, 579.09

USE PERMIT 11, 155.95

USE PERMIT (OTHER THAN P.D.)

TRANSER FM AF(ELMENDORF) 160.00

FM AR(ANCH RADIO STA) 39.42

LEASE (1) 3.23

LESSER INTERESTS (1) LI NO AREA

AVIGATION EASEMENT--FORT

P.L.O. J. L. Notation

OF OF ORIGINALS.

DISPOSAL

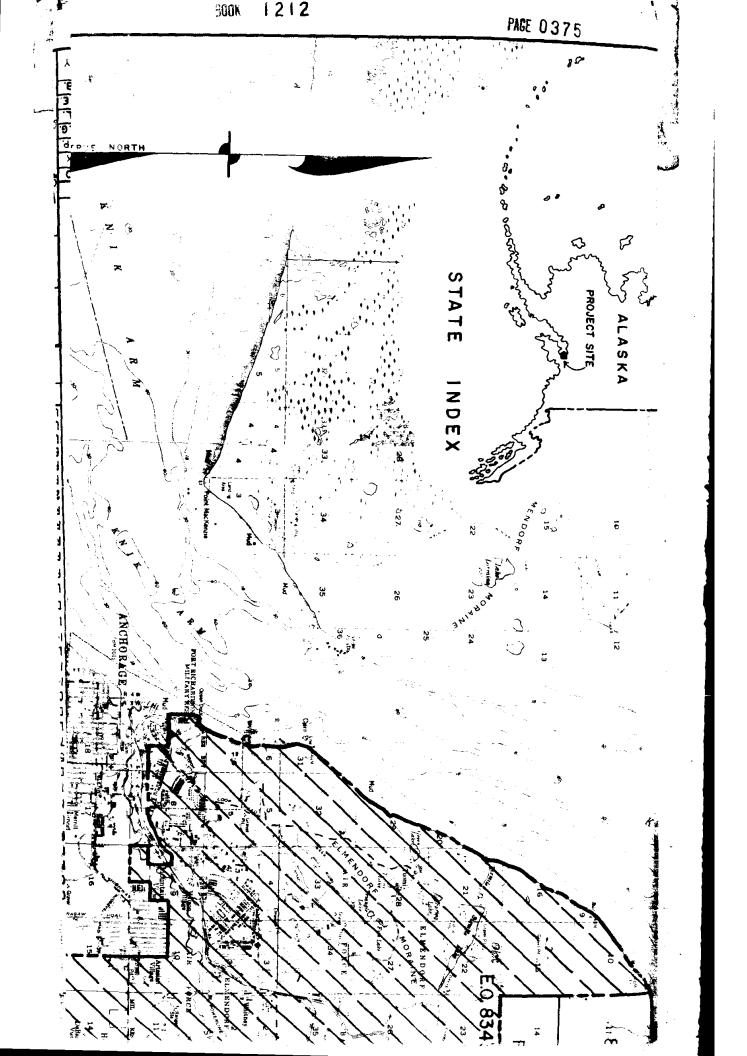
PAGE 0374

	5, 423.00 ocres included in Tract L.				
	SUP (A-063442) dtd 3 Sep 65 for term 15 Moy 66 to 14 May 71. Add'1	4,758,65	U.S. Dept of the Interior, BL M	ل ل	<b>4</b> )3)
	acres. Entire area included in Tract L.				
	6 May 82 for 20 years to term. 6 May 2002. Also reducing area to 3,340.00				
	26 Sep 76 by P.L.O. 5239 dtd (4 Jul 72, Superseded by P.L.O. 6244 dtd				
	P. L. 87-308 dtd 26 Sep 61 to term. 26 Sep 71, for 4, 706 ocres. Extended to	( <u>-</u> )	U.S. Dept of the Interior, BLM	×	<b>9</b>
	acres reacquired - Tract M.				
	Use Permit Im BLM atd   Sep 43, (70, 455, 00 acres this sheet) 4, 700, 00				
J.	PL.O. 253 dtd 7 Dec 44, amended by P.L.O. 576 dtd 29 Mar 49. Supersedes	76, 215.00	U.S. Dept of the interior, BLM	۲	Θ
7		TRANS		NO.	
	DEMARKS	ACRE AGE	T AND OWNER	TRACT	
	REGISTER	TRACT			
	144.52 AC reassigned fm Anch Radio Station 22 Aug 51 - Reverted to Orig Acq.	45,938.87			
<del></del>	5, 229.84 AC by E.O. 8343 dtd IO Feb 40 (Includes (195.10 AC School lands)	TRANS			
	40,564.41 AC by E.O. 8102 dtd 29 Apr 39.	ACREAGE			
•	SUMMARY OF ACQUISITION AS OF IJULY 40	ACQUISI	SUMMARY OF		

EE AL A

M od

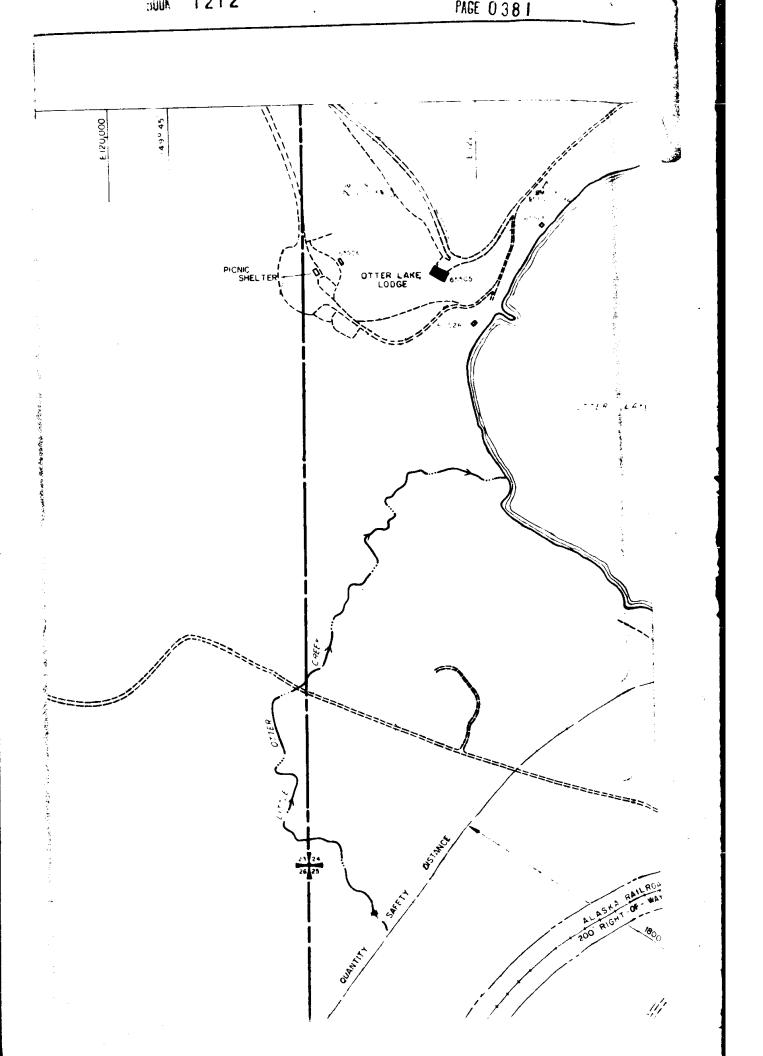
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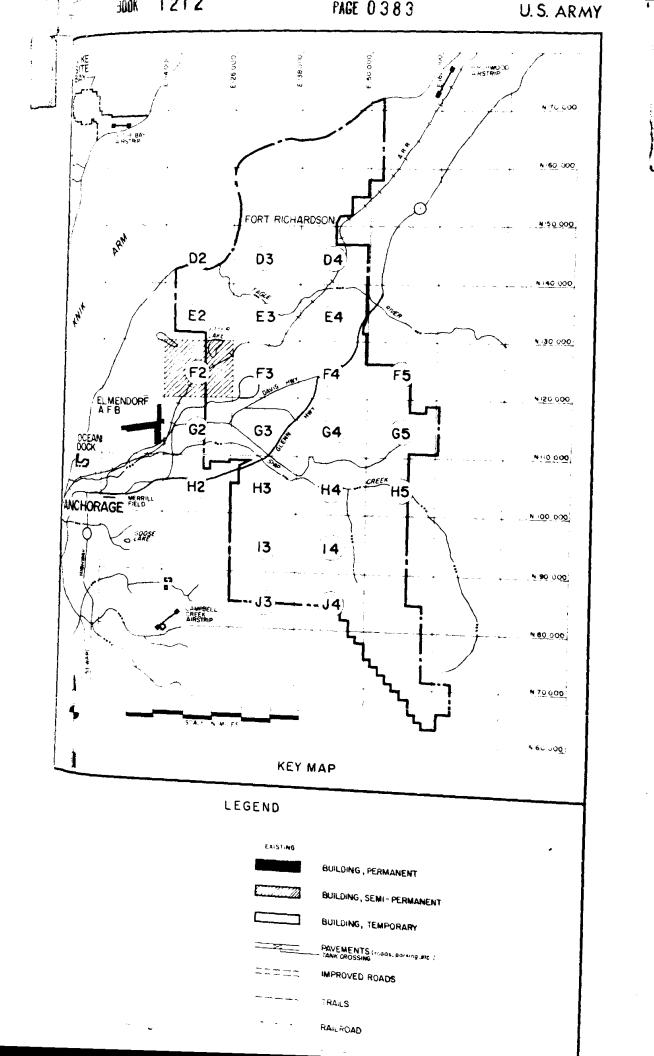


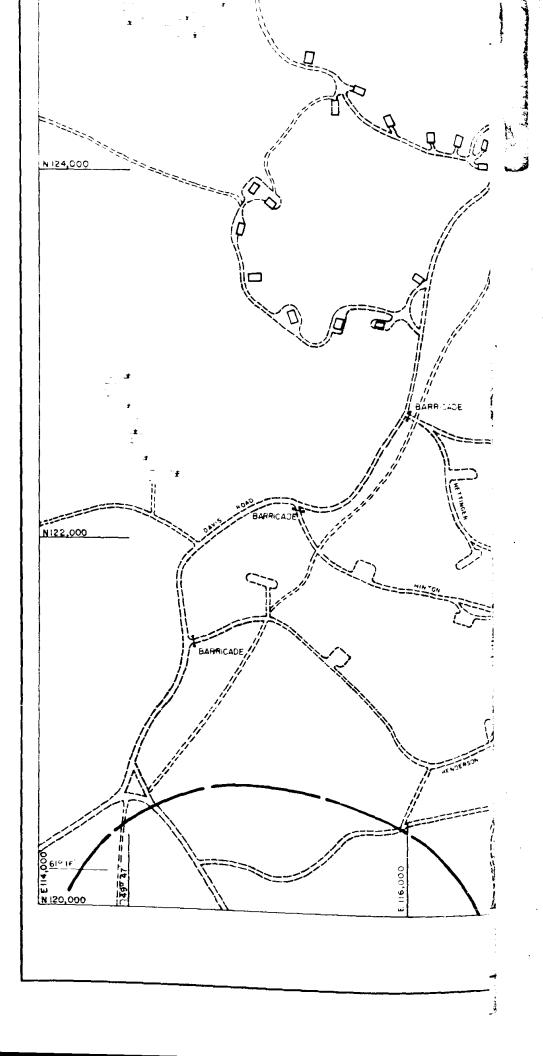
	TOTAL A	CRES DISP(	SED*101.7	93.21
			<b>,</b> ·	
		DOMAIN WITHD	RAWAL 86,	616.43
	FOBLIC	USE P	ERMIT	55.67
E LTR TOBLM DTD 28 OCT 76	USE PER	RMIT (OTHER THA	(N P.D.)	
Æ LTR TO BLM DTD 13 OCT 76 ιε-D 8093	TOANOE	ERRED FEE	5,7	68.42
# IND FM CINCAL DTD 27 NOV72	TO EL MENDO	ORF AFB	7 2	93 71
E-D 7781				<u> </u>
# IND USARAL DTD 10 JUN 65 # IND FM CINCAL DTD 24 SEP 62	LEASES	TE. 'INATED (	1)	3.23
# IND DCSLOG TO OCE DTD 17 APR 62	LESSER	INTERESTS TE	RM.	{
EL AUTH DTD   APR 59				~~ ~~
th IND Ocsigo TO COACS DTD 26 MAY58	REASSIG	NED TO WHITTIE	R-ANCH POL	58.07
th IND FM DCSLOG TO OCE DTD 5 AUG 57 IR FM ALCOM DTD 20 OCT 42	OTHER	O D/INT	6	40.00
EL AUTH DTD   OCT 42	•	TO GSA	2	33.95
EL AUTH DTD 23 JUL 42	*NOTE:	TOTALS DO NOT	INCLUDE 10,3	OI.OI AC
#IND FM CINCAL DTD 27 JUL 55 #IND FM CINCAL DTD 7 JAN 55		DISPOSED OF A	ND REACQUIR	ED.
JR FM USARAL DTD 9 DEC 53		LEGE	ND	
# IND FM CINCAL DTD 24 SEP 52				ł
at IND FM CINCAL DTD II APR 52		THE SPECIAL SY		
IEL AUTH 22 AUG 51 JR S/A TO S/AF DTD 24 APR 51		ECHNICAL MANU		-
Æ-D 5030, 5030A	DECEDVATI	ON LINE		
Æ-D 4860, 4861, 4957	KESEKVALI	JN LINE		
E-D4483, 4555, 4723, 4808	RESERVATI	ON LINE (Actual Si	urvey)	
E-D 2965 , 2973 , 3080 , 3080 A,3081 E-D 1945 , 2411 , 2468 , 2855	TRACT BOL	NDARY LINE_		
ind IND FM ALCOM TO DE DTD 24 JUL42	TRACT NUM	IBER		
lE-D 1221, 1924,2109 lE-D 389, 648, 650,1043				
.0. 8755 DTD 16 MAY 41	CONTOUR L	.INE		
NNUMBERED DIR. DTD 18 DEC 40.	DISPOSAL_			11/1/13
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ACQUISITION AUTHORIZATION	EXTENDED	OWNERSHIP L		
<b></b>			<del> </del>	
DEPARTM OFFICE OF THE	MENT OF TH Alaska Di		FFA	[2
3	PACIFIC I			4
DRAWN BY L.H.				
	ul a Re	AL ESTATE		[
JRACED BY L.H. CHECKED BY V.C.E. PL 97.4	700		201	{
SUBMITTED BY:	FURI	RICHARD		1
HEF, PLNG. B CONTROL BR	MILITAI	RY RESERVA	TION	
MECOMMENDED BY:				
Henry L. Martin	Allan DISTRICT EN	waget	_ DATE	Nov 61
OFFICE, CHIEF OF ENGINEERS, WASHINGTON		Scale in I	Feel	
AUDITED	6	000 0	6000	12000
INSTALLATION OF PROJECT NO. ALS-1	-0028 s	EET 1 OF 16	DRAWING NO.	3-7-31

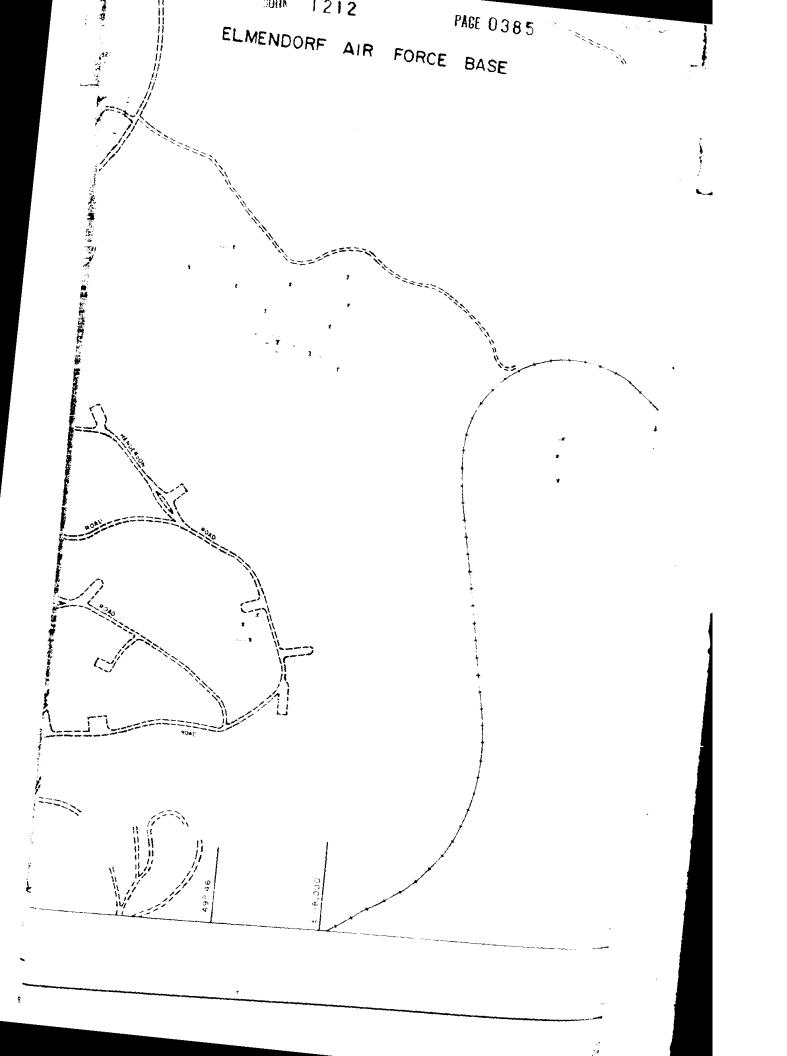
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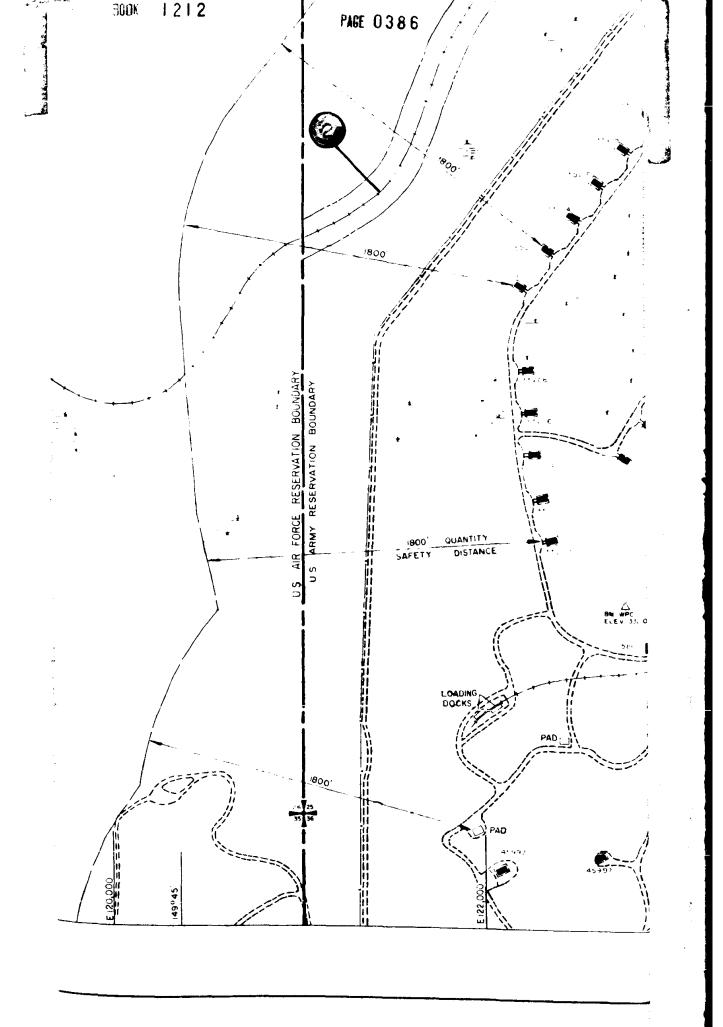
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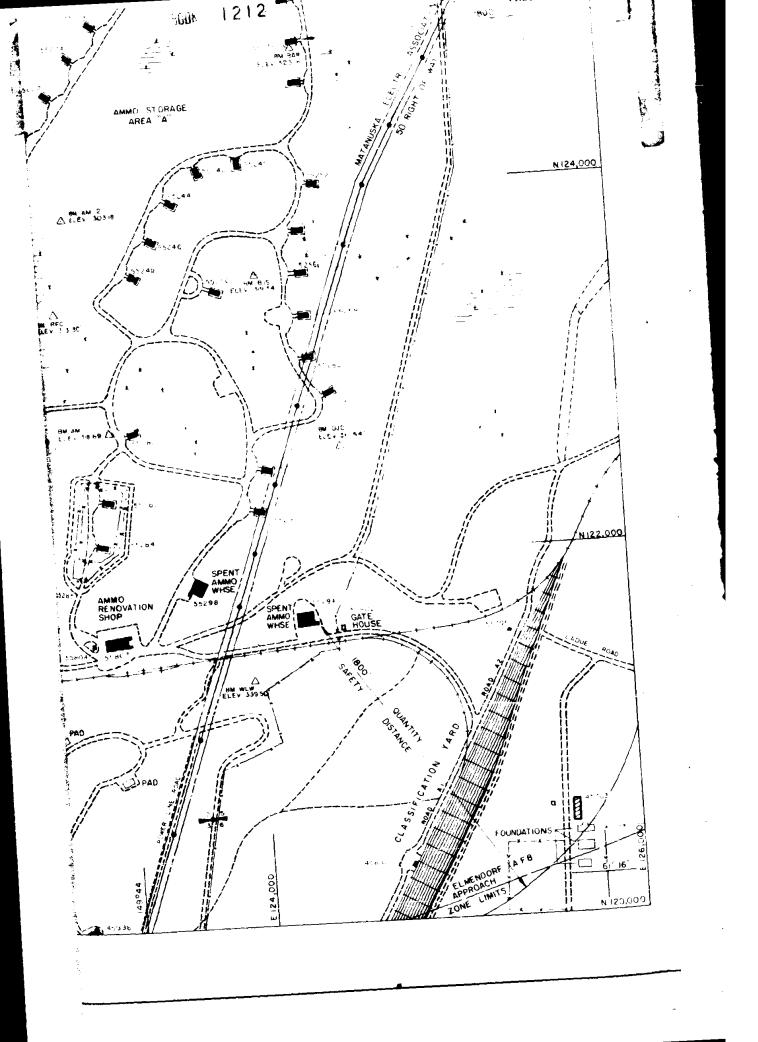


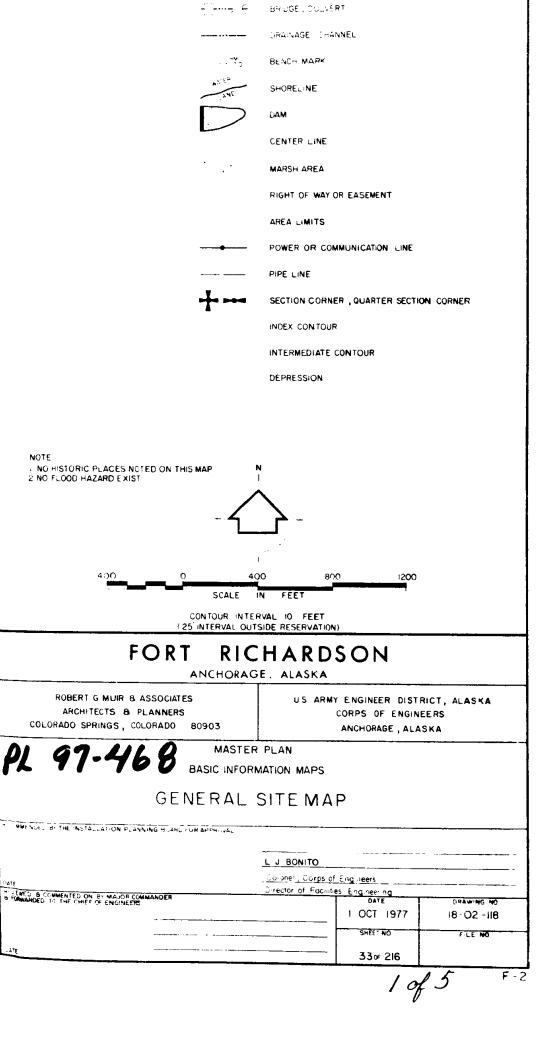


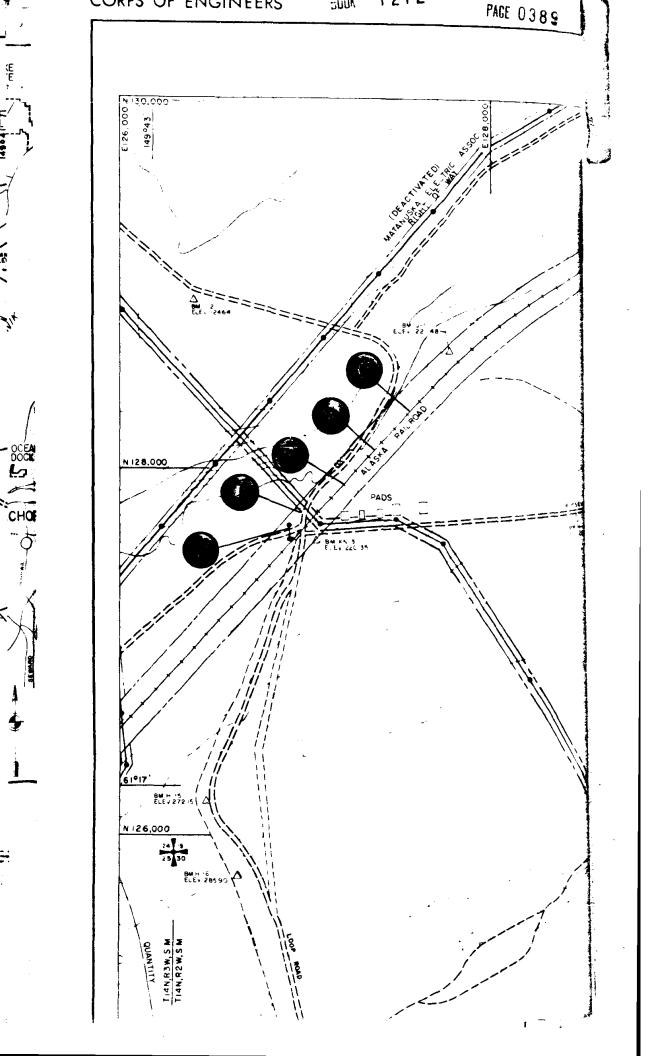


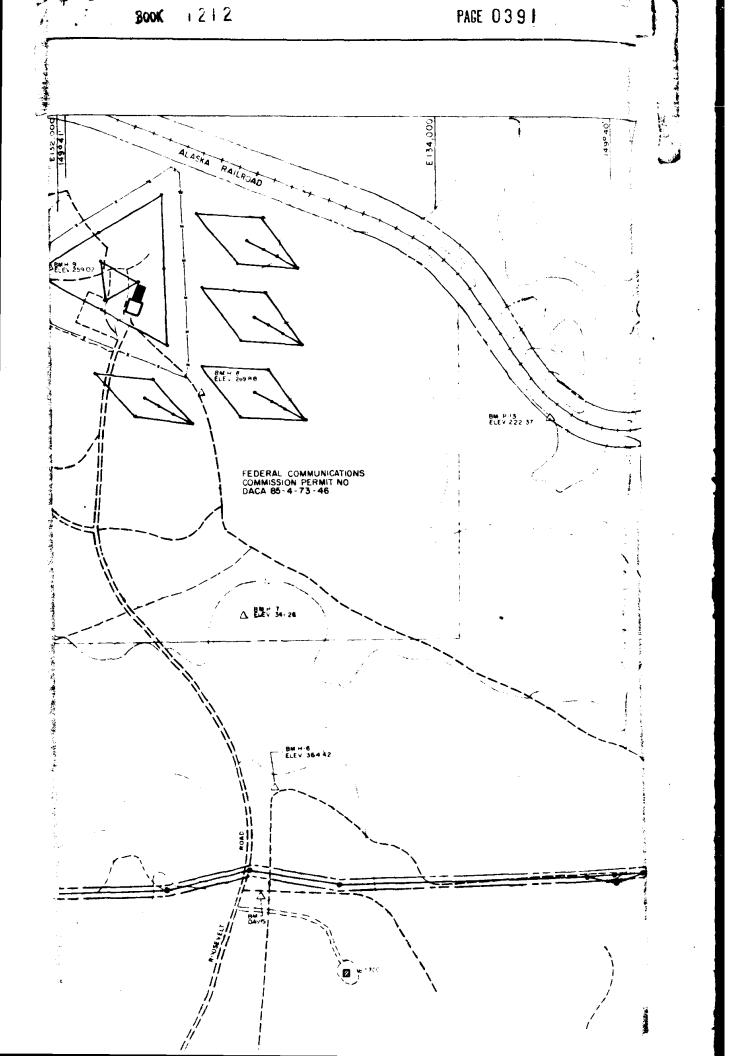


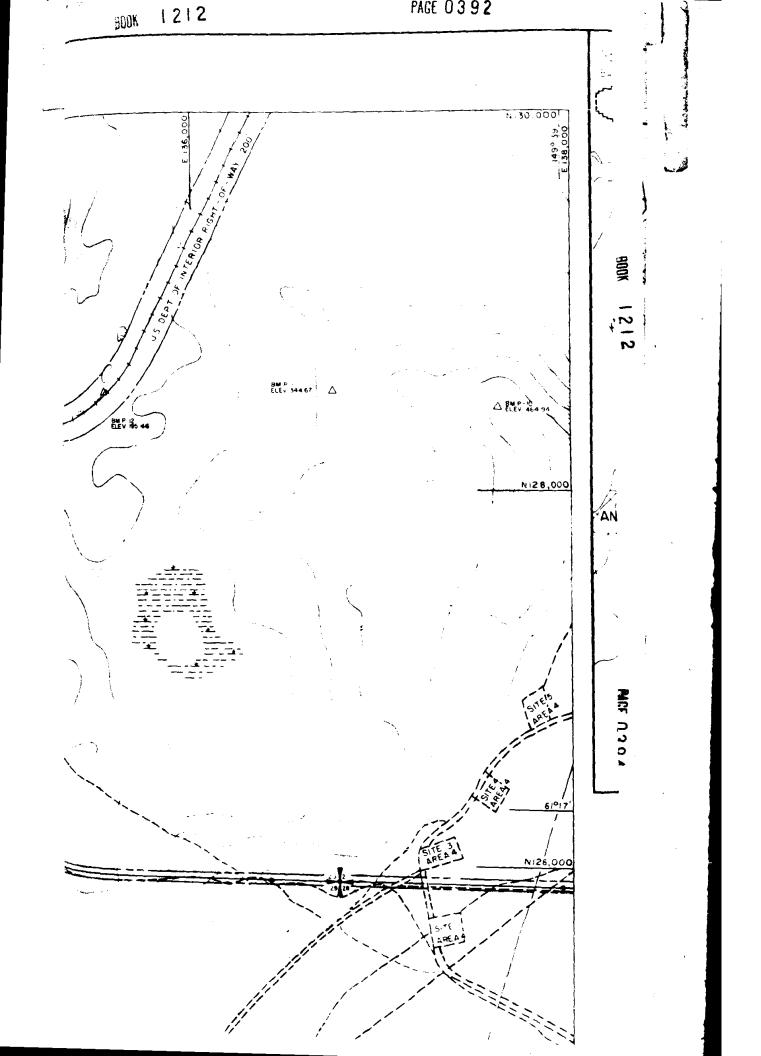


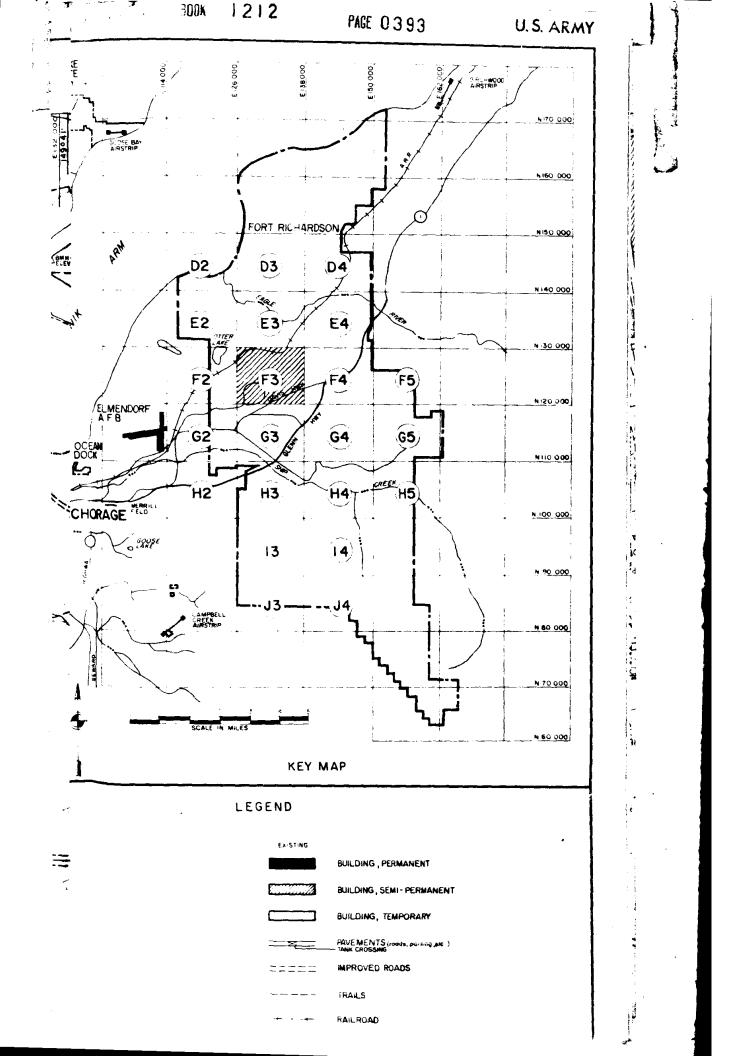










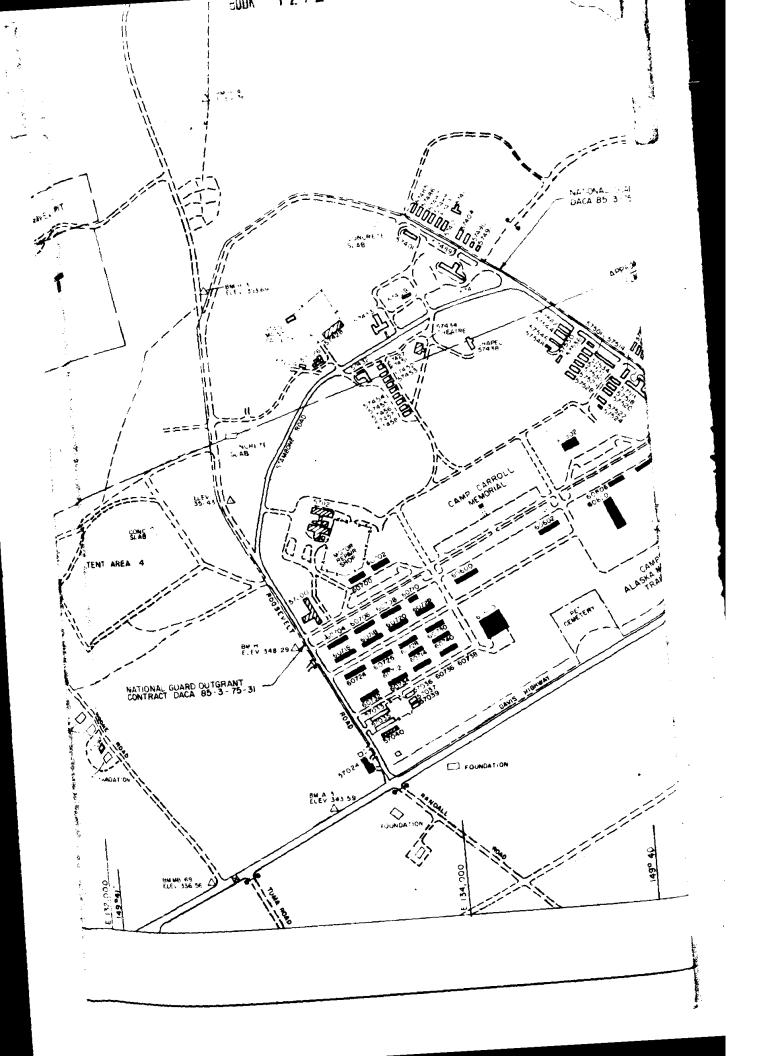


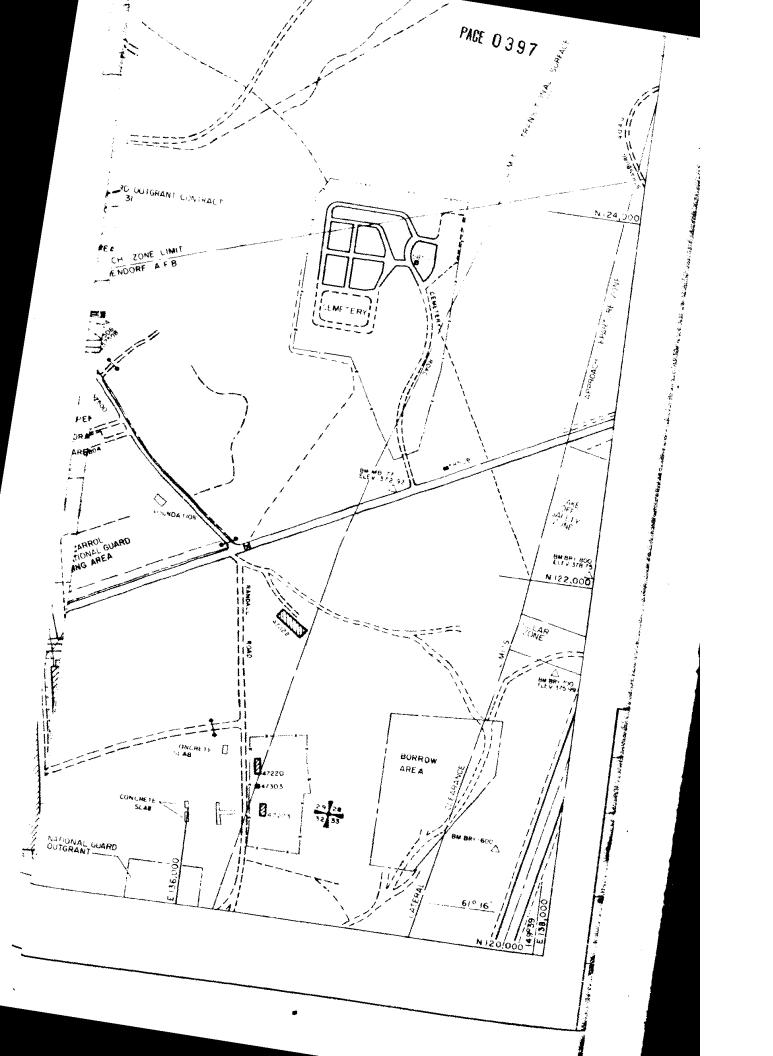
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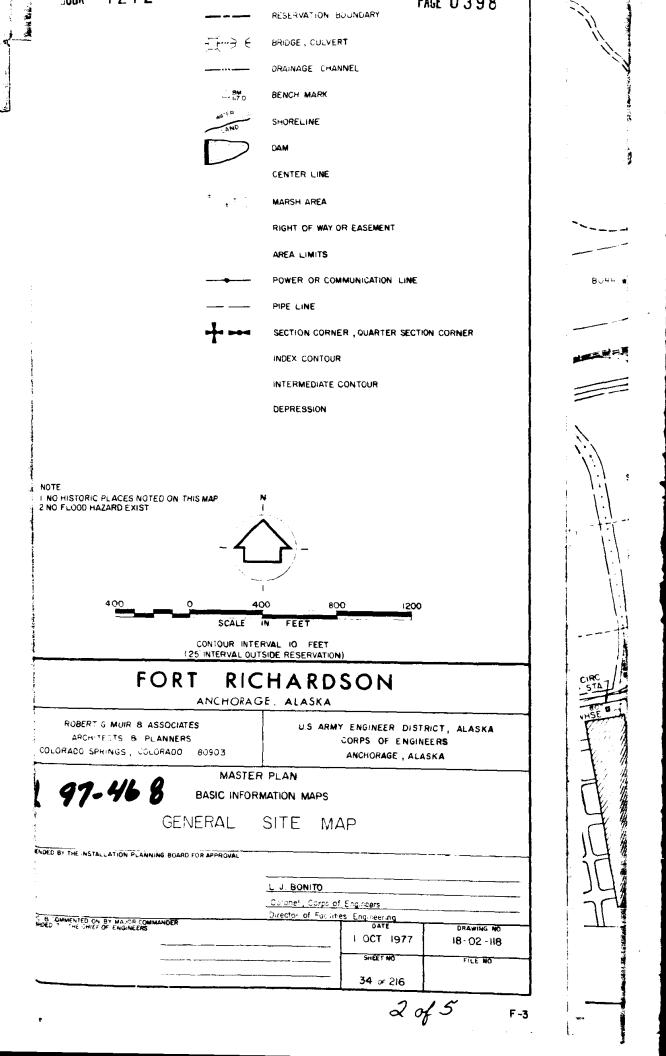
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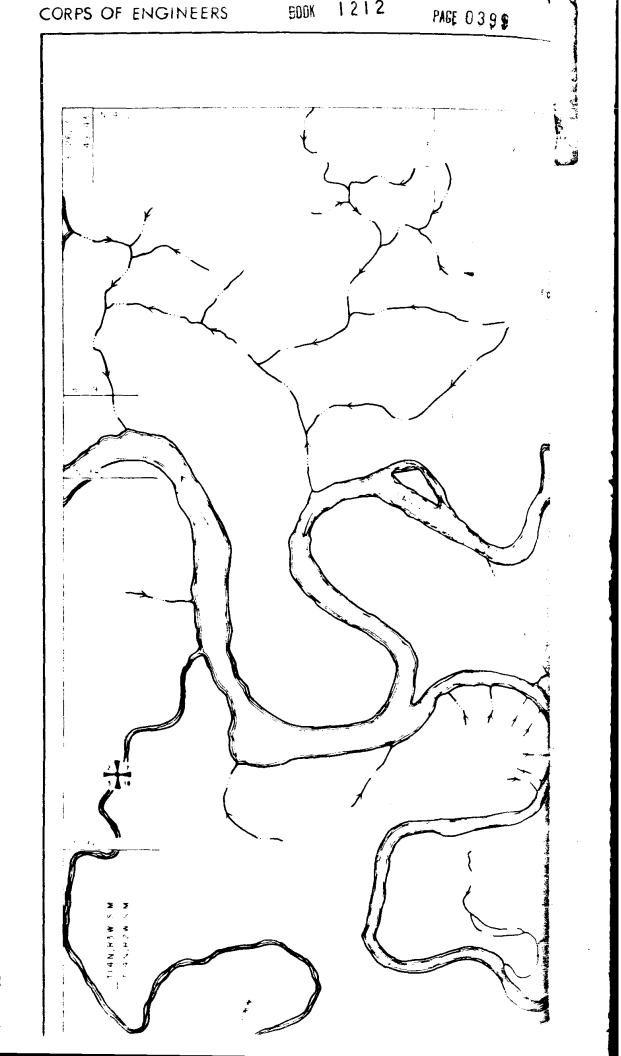
PAGE 0394.

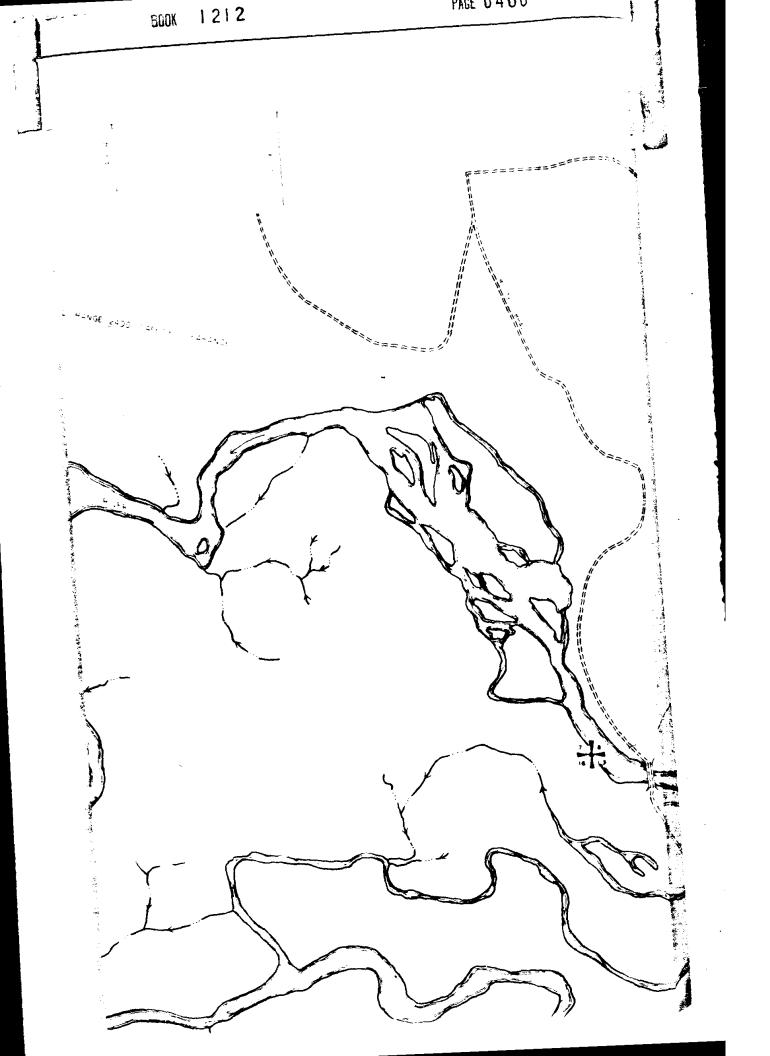
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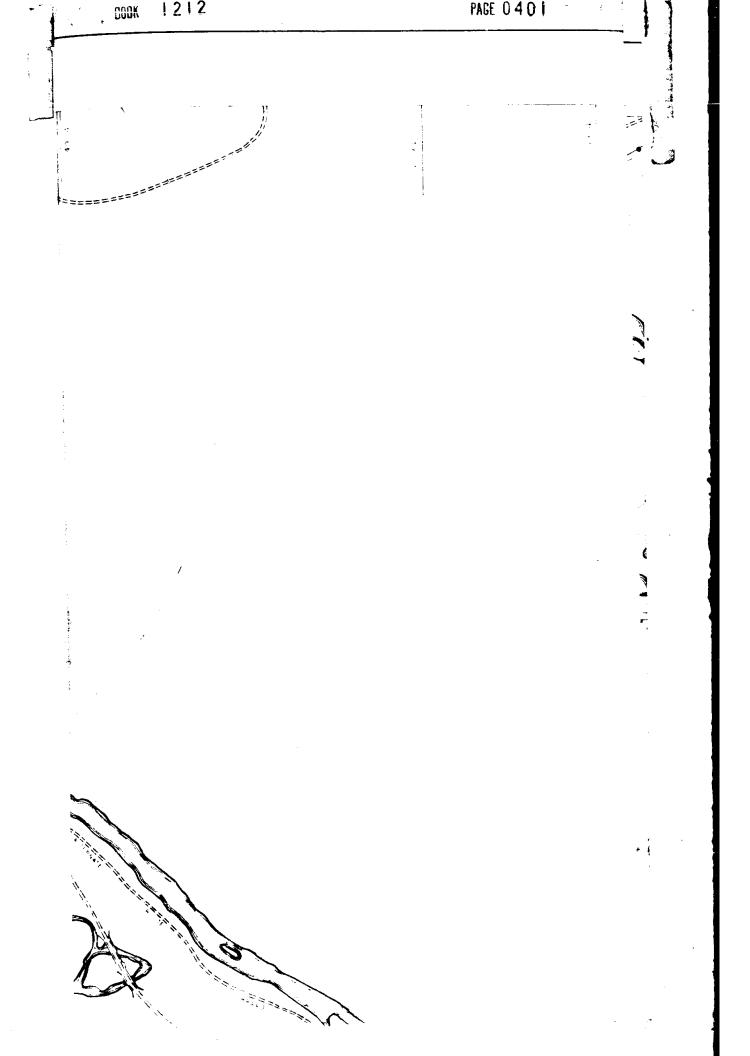


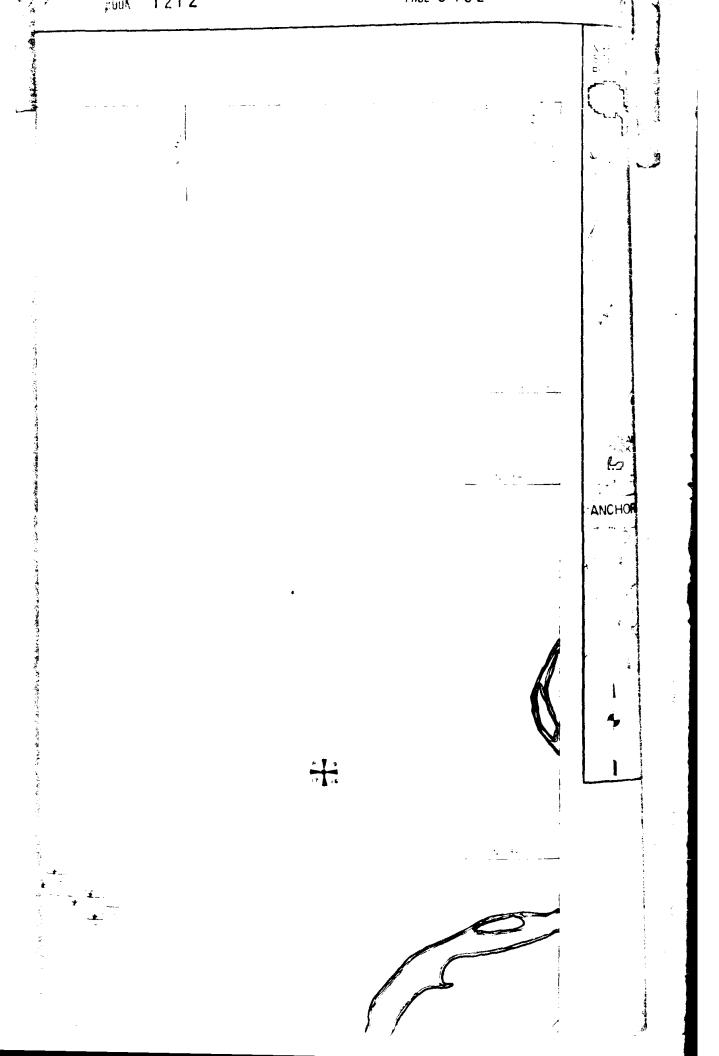


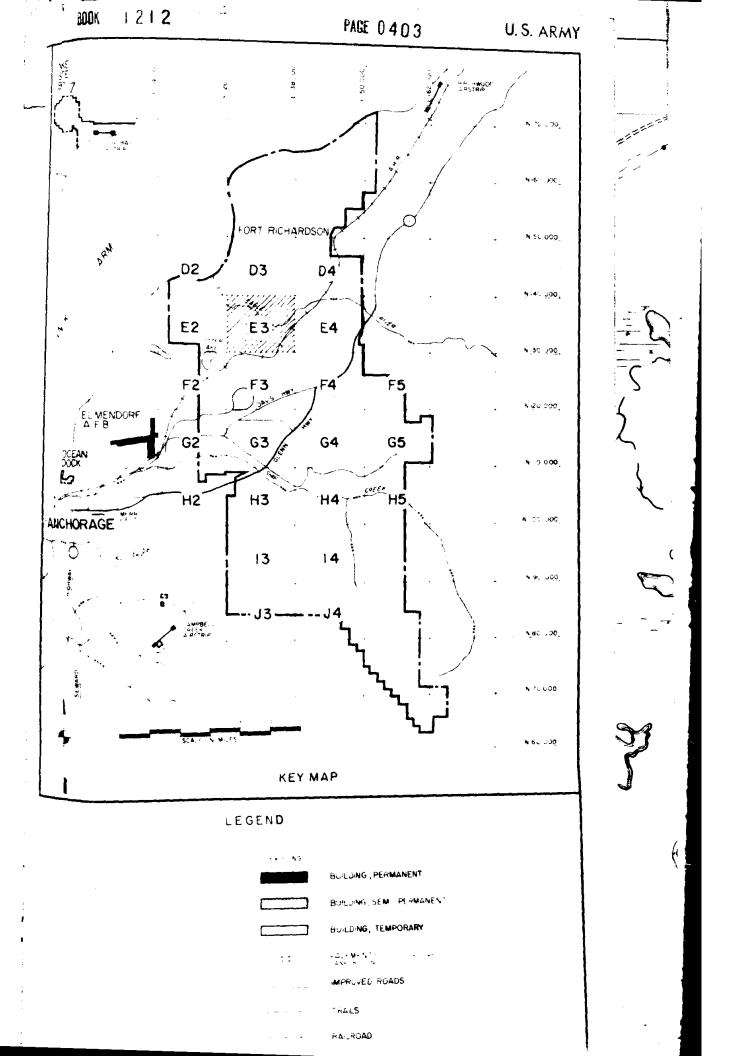








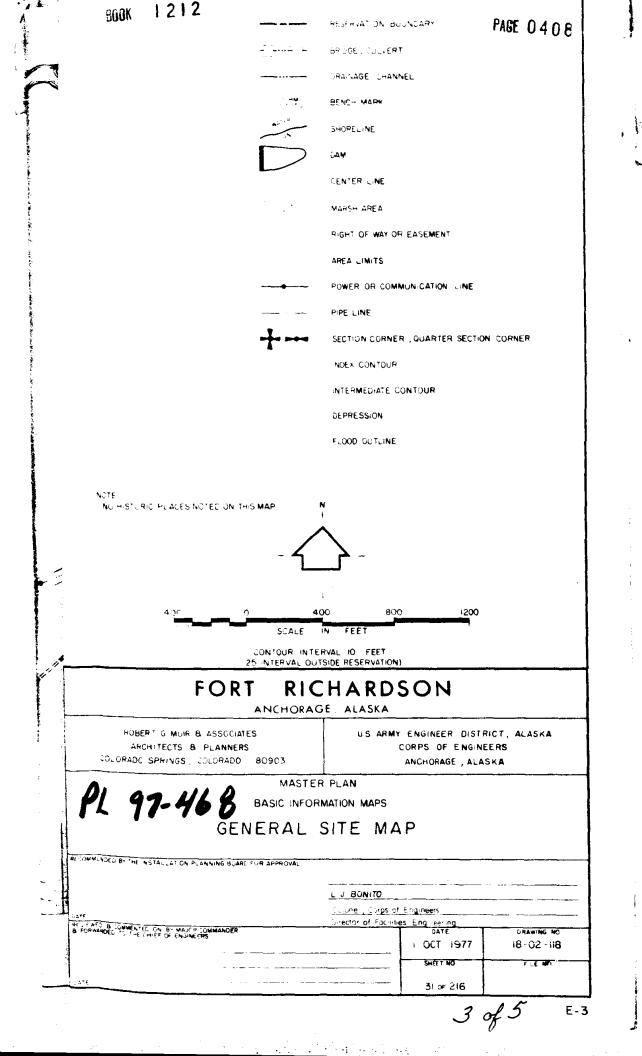




PAGE 0404

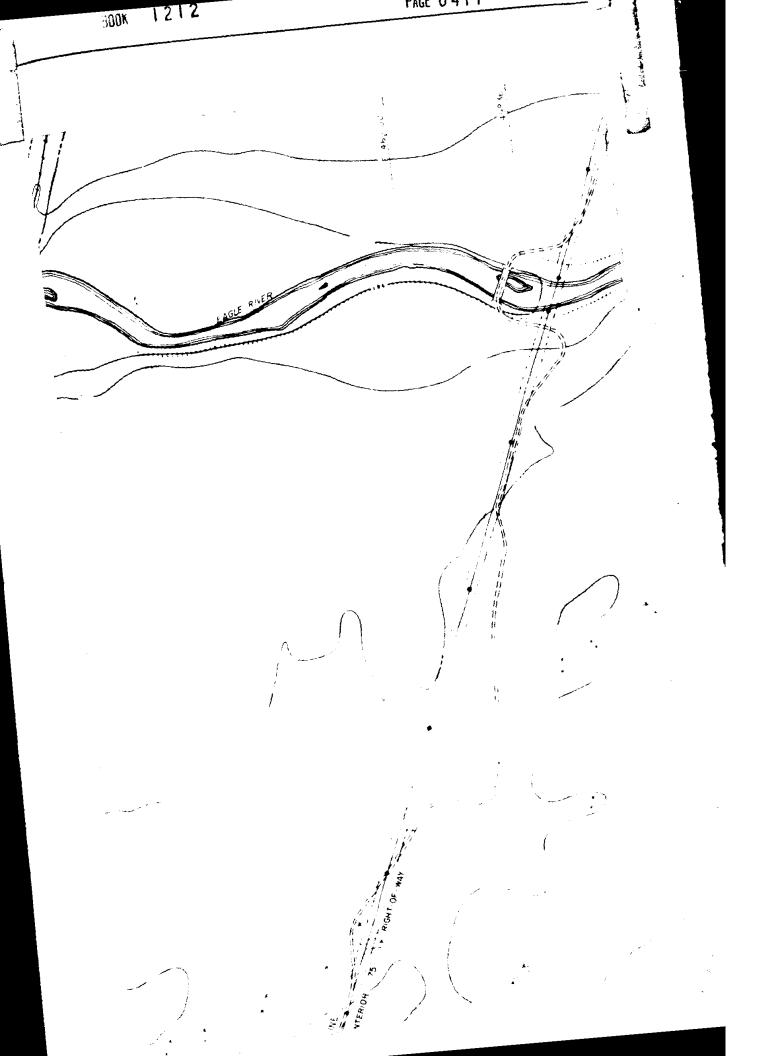
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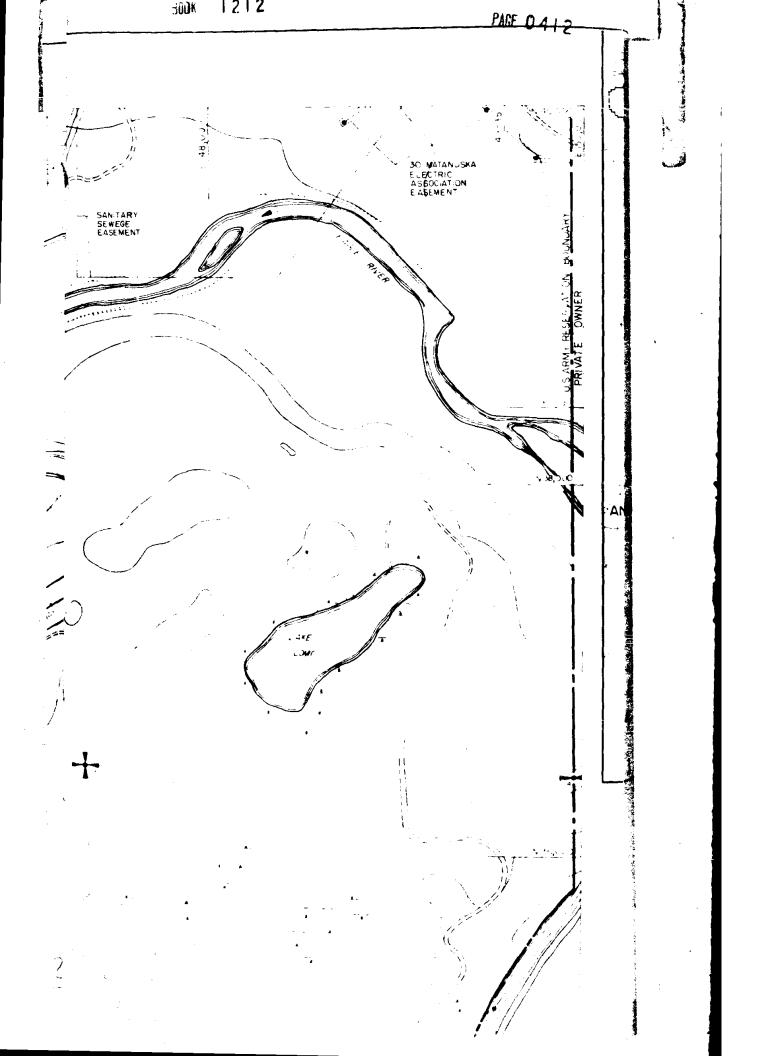
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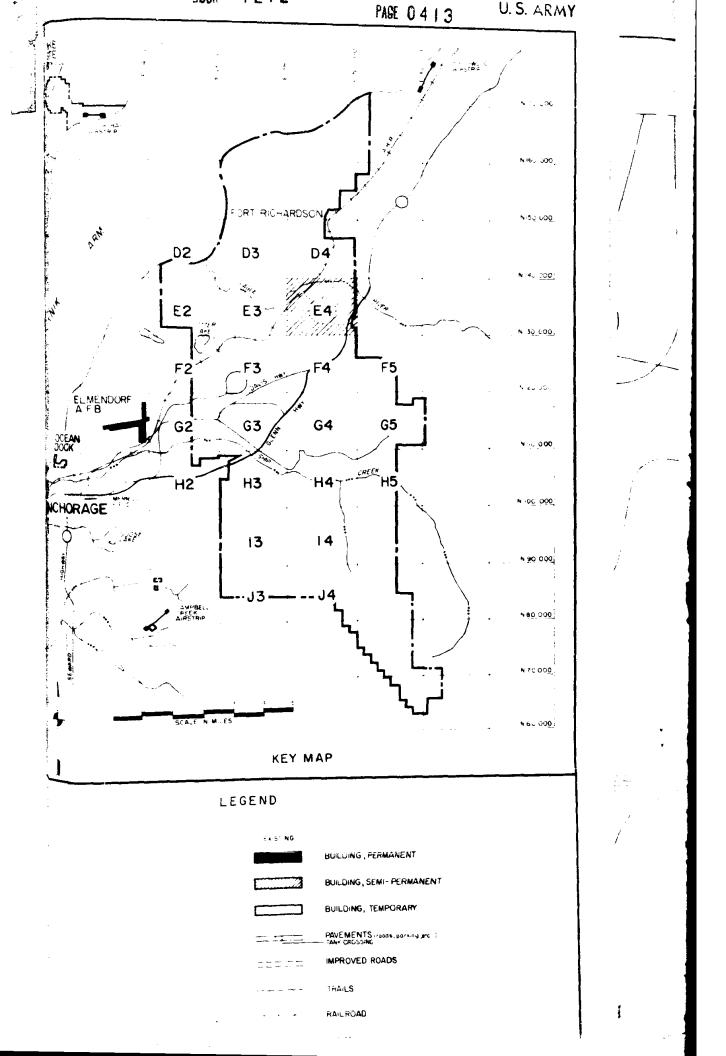




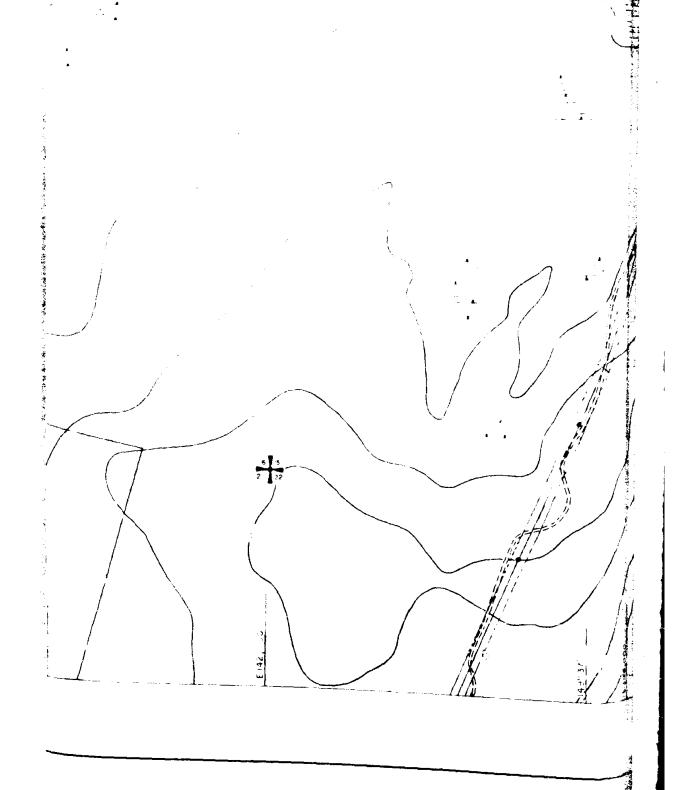




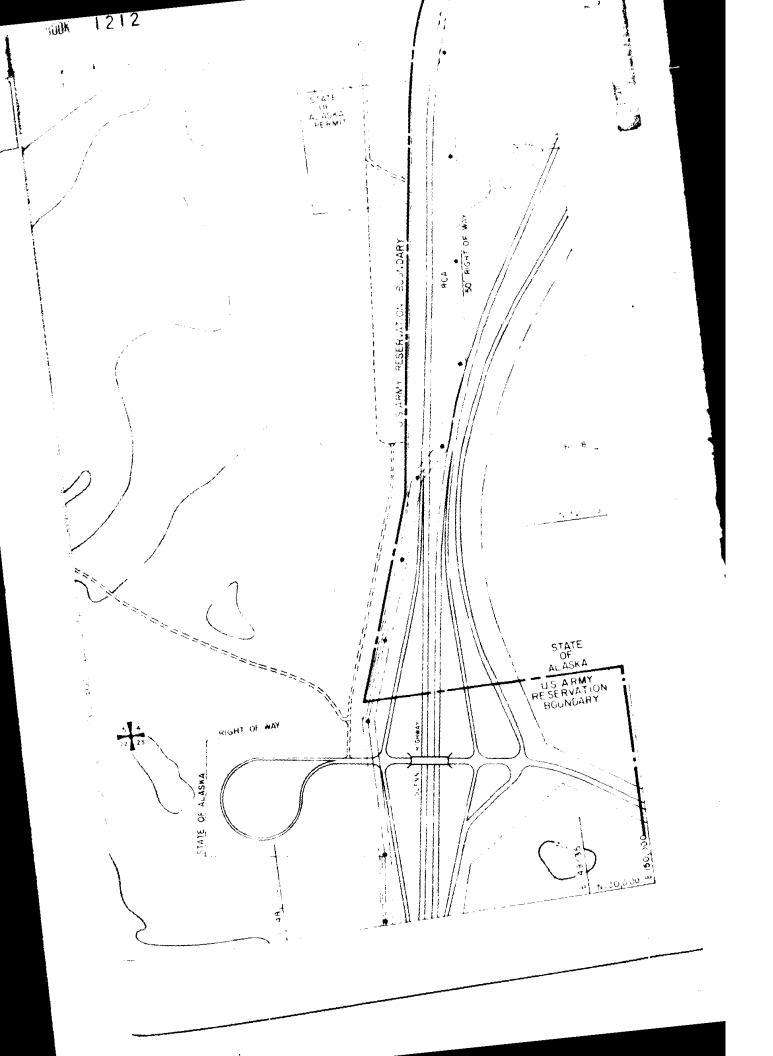


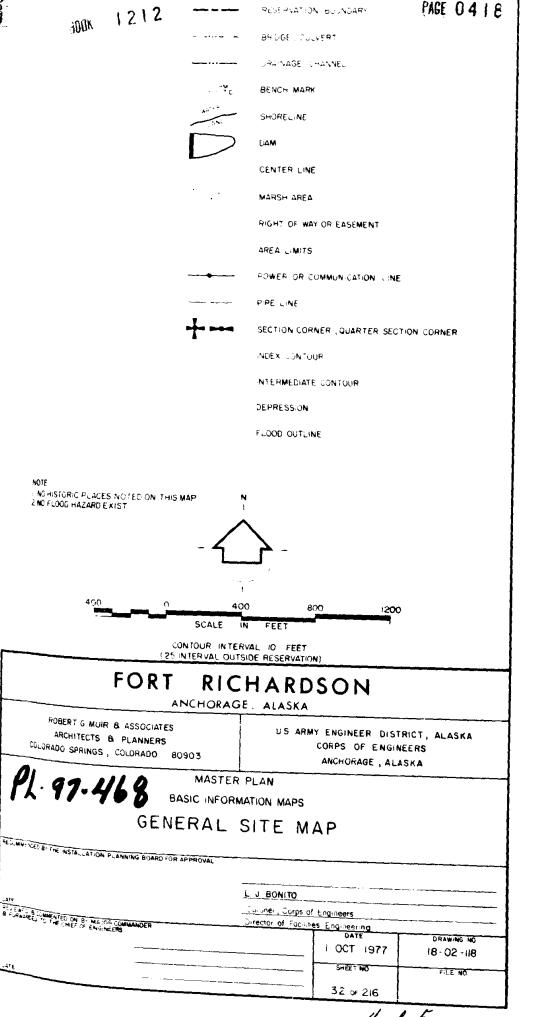


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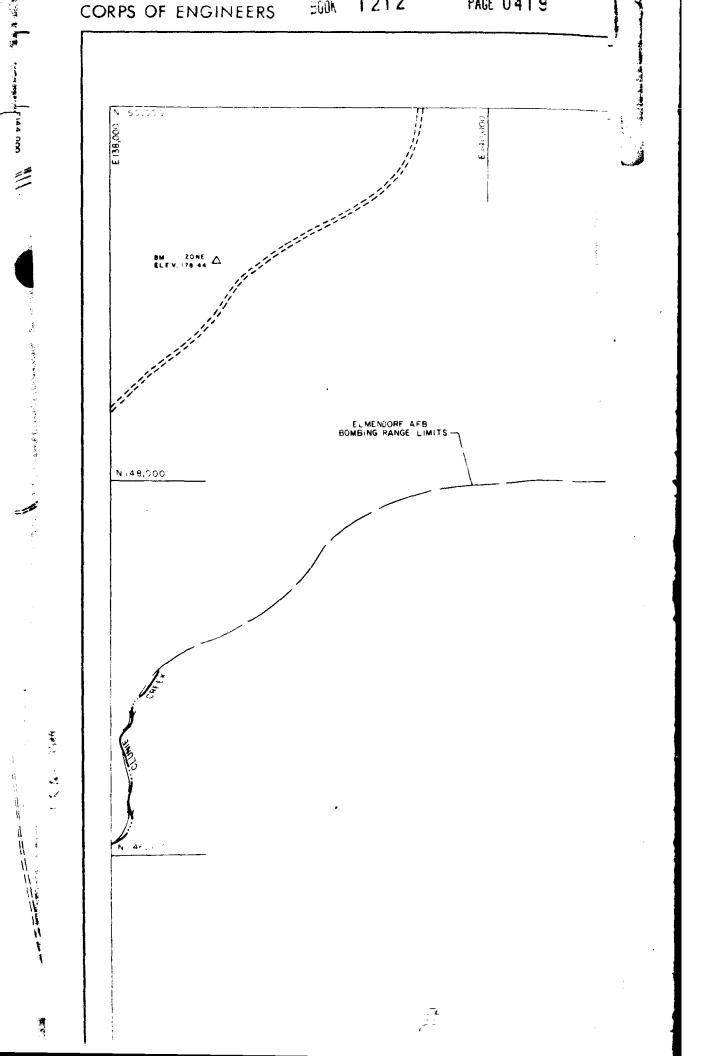
JUUN 1212 PAGE 0416

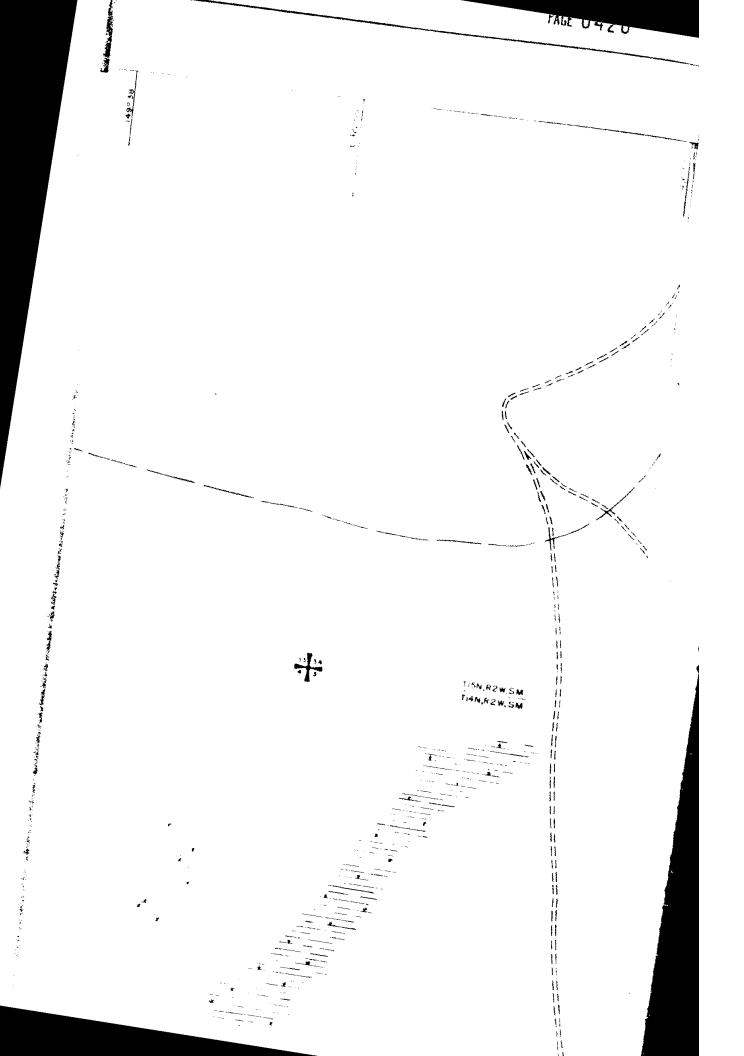


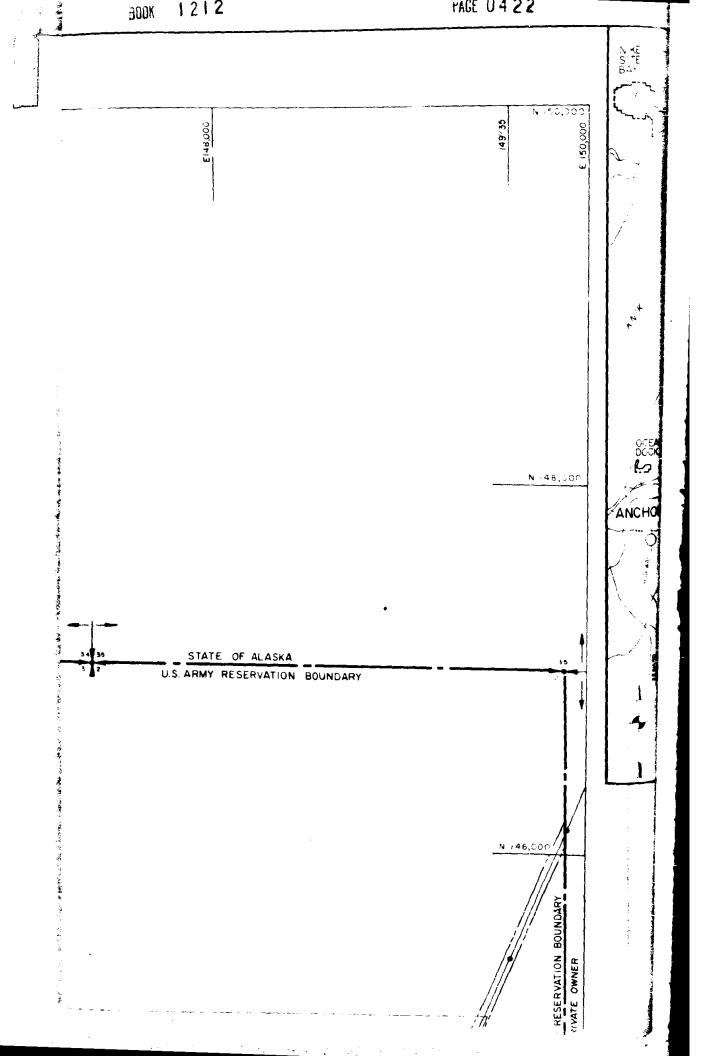


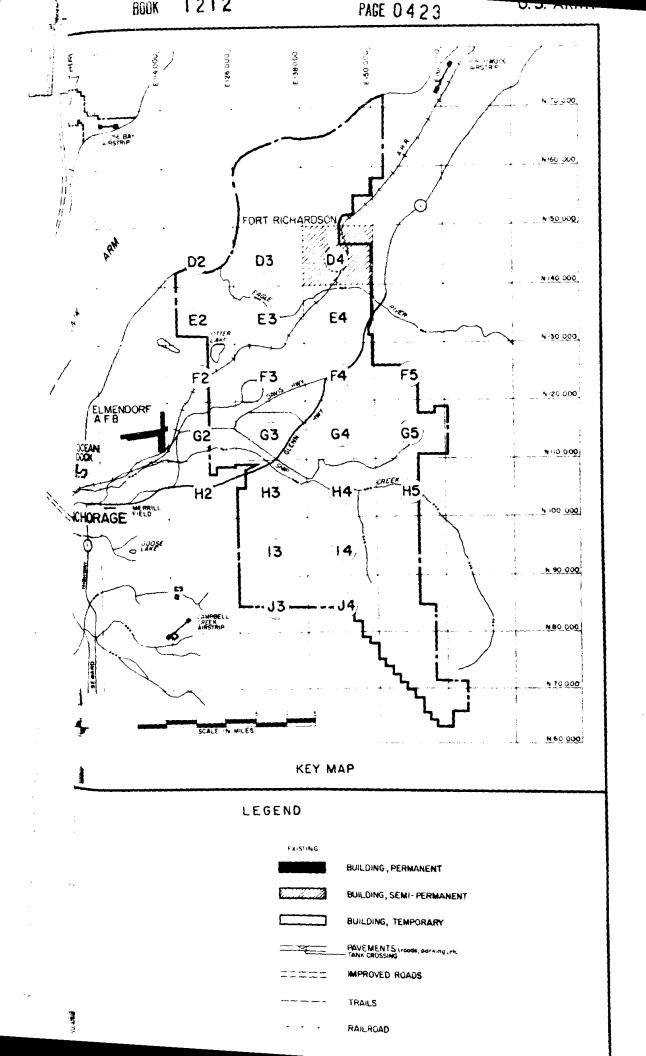
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PAGE 0418



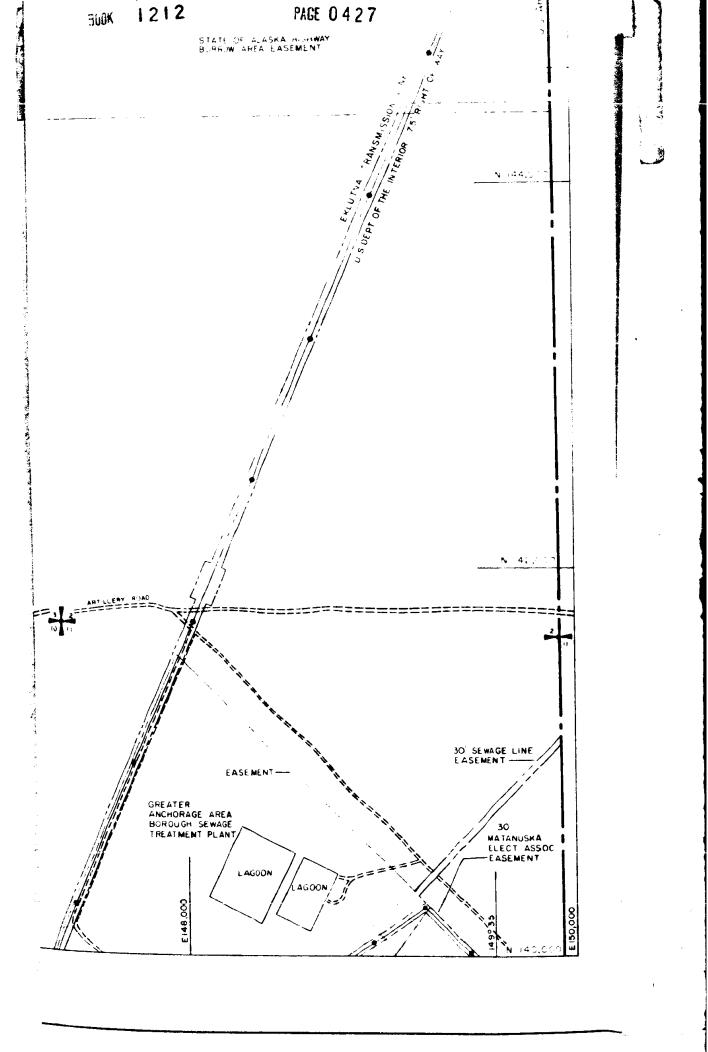


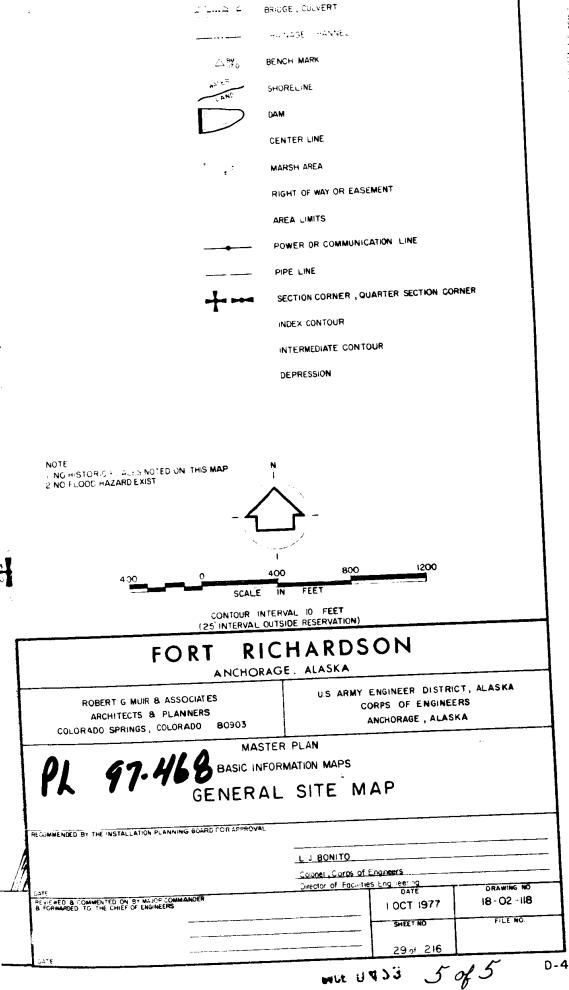




PAGE 0424

BOOK 1212





JUUN

b

Pouch 7-2111 Anchorage, Alaska 99510 - 7069

January 9, 1985

Dear District Recorder,

After recording please return the attached documents to:

Alaska Railroad Corporation

Pouch 7-2111

Anchorage, Alaska 99510-7069

Attention: James O. Campbell, Chairman

Board of Directors

Thank you.

85-001600

RECORDED-FILED ANGHORAGE REC. UISTRICT

JAM 8 2 21 PN '85
REQUESTED BY ALASKA RAILROAD CORP.

ADDRESS -